

SENSITIVE

Office of the Minister of Internal Affairs
Cabinet Business Committee

Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 (the Royal Commission): Extension to the final report back date

Proposal

1. This paper seeks Cabinet's agreement to an extension to the final report back date for the Royal Commission of Inquiry into the Attack on the Christchurch Mosques on 15 March 2019 (the Royal Commission), 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, to be feasible and appropriate after consultation with the Chair of the Royal Commission.

Relation to government priorities

2. This is a routine operational adjustment that requires Cabinet approval.

Executive Summary

3. Cabinet agreed to establish the Royal Commission of Inquiry into the Attack on the Christchurch Mosques on 15 March 2019 (the Royal Commission). The terms of reference require the Royal Commission to make findings on several matters, including the knowledge and focus of relevant State sector agencies prior to the attack, and how such attacks could be prevented in future. The terms of reference also refer to the need to reassure the New Zealand public, including its Muslim communities. The Royal Commission was established on 10 April 2019 and began considering evidence on 13 May 2019.
4. On 10 November 2019, the Royal Commission was granted an extension of time to 30 April 2020. The extension of time came into effect on 15 November 2019. The extension was due to the large amount of information, significantly more than expected, and the volume of that information which created delays in the Royal Commission being able to access it. The additional time was to allow the Royal Commission to validate and canvas its findings with relevant State sector agencies.
5. The Royal Commission has made significant progress since November 2019. It has completed its investigation and has begun its natural justice processes on components of the draft report with agencies and individuals. However, the logistical issues it has

faced in obtaining information from agencies, the amount and sensitivity of information the Royal Commission has had to consider, and the processes it has had to adopt to protect sensitive information (for example, only accessing that information in secure physical environments), means that (even absent COVID-19) the Royal Commission will be unable to complete its report by 30 April 2020.

6. On 31 March 2020, the Royal Commission wrote to me to inform me it will be unable to complete its report by 30 April 2020. It requests 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's letter setting out its reasons for this request is attached as **Appendix A**.
7. While the Royal Commission and agencies have good business continuity planning in place, the COVID-19 pandemic is causing significant disruption to the Royal Commission's work. Agencies are continuing to respond to Royal Commission requests, however the requirements for people to work from home prevents the Royal Commission and agencies from accessing secure physical environments and constrains the ability of agencies and individuals to respond to the draft report in the planned timeframes. In addition, it is now apparent that the resources key State Sector agencies need to divert to New Zealand's response to COVID-19 will constrain the Royal Commission in finalising sensitive elements of its report, and likely delay the completion of its work for an extended period. The Royal Commission also has key person risks with regard to its Chair and key secretariat staff.
8. When considering the request for an extension, I have been conscious of the need for the Royal Commission's report to provide assurance to the affected communities and the broader public. However, I note that the Royal Commission's terms of reference empower it to make interim recommendations on any step necessary to ensure public safety. No such recommendation has been made to date, but the ability to make such recommendations remains. These factors encourage me to conclude that any risk to public safety arising from a further delay in reporting date can be addressed by the Commission, if necessary.
9. I am conscious of course that a further delay in reporting date may be a source of disappointment and concern to some in New Zealand's Muslim communities. However, I am confident those communities will appreciate the implications of the COVID-19 state of emergency on both the Royal Commission and on relevant agencies. I have also considered the impact on participating agencies who are working on the COVID-19 response, and the cost. In addition, it is impossible for the Royal Commission to continue most of its work during the Level 4 response to the pandemic. The various extension date scenarios once again all create risks and difficulties.
10. The related criminal trial had been scheduled to begin in June 2020, raising concerns that if the Commission's report was released before the trial concluded, rights to a fair trial might be prejudiced. However, on 26 March 2020 the Christchurch attack accused pleaded guilty to all charges of murder, attempted murder and committing a terrorist act. He has been remanded until 1 May 2020 to be sentenced at a later date. Sentencing will likely be some time away as a number of victims will wish to be present at sentencing, and make statements, and this will take some time to arrange. However,

the guilty pleas mean the Royal Commission report can now be released without fear of prejudicing the criminal trial.

11. Having consulted with other Ministers, taken advice and considered these factors, I propose to amend the Royal Commission's terms of reference to require the Royal Commission to finally report on 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, to be feasible and appropriate after consultation with the Chair of the Royal Commission. I consider this approach provides the most appropriate flexibility to cope with the requirements of the pandemic response, and the time required to complete the report.
12. There will be some cost implications in extending the final reporting date for the Royal Commission. As an interim measure, the Department of Internal Affairs will seek to reprioritise funding from within Vote Internal Affairs to cover the Royal Commission's additional costs until the end of May 2020. **s9(2)(f)(iv) Official Information Act 1982**
[REDACTED]
13. With Cabinet's agreement, I will submit an Amendment Order in Council to the Executive Council, amending the Principal Order that established the Royal Commission.

**s9(2)(f)(iv)
Official
Information
Act 1982**

Background

14. On Friday 15 March 2019, an individual attacked Al Noor Mosque and the Linwood Islamic Centre in Christchurch while worshippers were at prayer. Fifty-one people were killed and over 50 others injured, some seriously. An individual has been charged with offences in relation to the attack and awaits trial.
15. On 25 March 2019, Cabinet agreed to establish an inquiry into the attack on the Christchurch Mosques as a Royal Commission of Inquiry [CAB-19-MIN-0112 refers].
16. On 8 April 2019, Cabinet approved a budget of \$8.251 million and that the Royal Commission report back to the Governor-General by 10 December 2019 [CAB-19-MIN0147 refers].
17. The Royal Commission was established by Order in Council on 10 April 2019. Supreme Court Judge, Sir Justice William Young was appointed as the Chair of the Royal Commission. Former Ambassador Ms Jacqui Caine was appointed as the Commissioner on 7 May 2019.
18. On 10 November 2019, Cabinet agreed to an extension of time and budget for the Royal Commission. The Royal Commission budget was increased by \$3.000 million to \$11.251 million. It is currently due to report on 30 April 2020.
19. On 31 March 2020, the Royal Commission wrote to me to inform me it will be unable to complete its report by 30 April 2020 (**Appendix A**). It requests 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.

Inquiry Terms of Reference

20. The terms of reference require the Royal Commission to make findings on several matters, notably;
 - 20.1. Was any information otherwise available to relevant State sector agencies that could or should have alerted them to the attack?
 - 20.2. Was there any failure in information sharing between the relevant State sector agencies?
 - 20.3. Did relevant State sector agencies fail to anticipate or plan for the attack due to an inappropriate concentration of counter-terrorism resources/priorities?
 - 20.4. Did any relevant State sector agencies fail to meet required standards?
21. The Royal Commission must make recommendations on how such attacks could be prevented in the future. This has meant that it must identify the salient characteristics of the attack and consider whether New Zealand's systems are sufficiently robust to prevent a similar attack in the future.
22. The Royal Commission is also required to consider making recommendations about whether improvements in information gathering, sharing and analysis practices could prevent such attacks in the future. It must also make recommendations about what changes, if any, should be implemented to improve relevant State sector agency systems or operational practices, to ensure the prevention of such attacks in the future.
23. The terms of reference also refer to the need to "reassure the New Zealand public, including its Muslim communities" and an expectation that the Royal Commission "connect[s] with New Zealand's Muslim communities".

Progress to date

24. On 13 May 2019, the Royal Commission began considering evidence and issued its first Update setting out what it is required to examine. It also began its community engagement that week. The Royal Commission has also met with State sector leaders, individuals, and experts.
25. The Royal Commission began receiving public submissions from 1 July 2019. When submissions closed on 27 September 2019 it had received almost 1,100 submissions from a range of interested parties.
26. The Royal Commission determined that some State sector agencies not named in the terms of reference have information that falls within the scope of the Royal Commission. These agencies are relevant to the issues that it has been asked to investigate in the terms of reference and in respect of the systems on which it is required to make recommendations. The Royal Commission expanded its collection of information from state sector agencies to include these additional agencies.
27. In order to meet natural justice requirements under section 14 of the Inquiries Act 2013, the Royal Commission must validate and canvass its findings with affected individuals and relevant State sector agencies.

28. The Royal Commission advises it has made significant progress since November 2019. It has completed its investigations and its natural justice processes on components of the draft report with agencies and individuals are well advanced. It advises me it has eight parts of its report that need to be distributed for natural justice purposes, fact checking, seeking consent to quote individuals, and agency advice on security classification and sanitisation of classified information.
29. The Royal Commission has advised me that it has completed its distribution of six of the eight parts to State Sector agencies and individuals. The Royal Commission still has some material to be distributed which it is unable to distribute at this time as the material carries a national security classification.
30. Part H of the Royal Commission's draft report (which deals with its assessment of the national security system and the counter-terrorism effort) cannot be distributed at this time due to the Level 4 COVID-19 response as the material is classified above Restricted and is held in the sensitive compartmented information facility (SCIF). Once the Royal Commission has access to the SCIFs again, it will need to distribute individualised extracts of that material to twenty-one relevant State sector agencies and forty individuals (including current and former State sector employees).

Impact of COVID-19 shut down

31. While the Royal Commission has good business continuity planning in place, the COVID-19 pandemic is causing significant disruption to the Royal Commission's work. Agencies are continuing to respond to Royal Commission requests, however the requirements for people to work from home prevents the Royal Commission and agencies from accessing secure physical environments and constrains the ability of agencies and individuals to respond to the draft report in the planned timeframes.
32. In addition, it is now apparent that the resources key State Sector agencies need to divert to New Zealand's response to COVID-19 will constrain the Royal Commission in finalising sensitive elements of its report, and likely delay the completion of its work for an extended period. The Royal Commission also has key person risks with regard to its Chair and key secretariat staff.
33. I have been clear with the Royal Commission that their report needs to be completed in a timely way once business returns to normal.

Consideration of an extension

34. I am advised the Royal Commission requires a longer timeframe within which to produce a report that accords with the terms of reference. In considering timeframe options for an extension of the final report, we must consider a range of factors. In addition, we need to ensure that the Royal Commission operates safely (and pauses some of its activities) during the Level 4 response to the pandemic.
35. When considering an extension, we must be conscious of the need for the Royal Commission's report to provide assurance to the affected communities and the broader public. The Royal Commission's terms of reference empower it to make interim recommendations on any step necessary to ensure public safety. No such

recommendation has been made to date, but the ability to make such recommendations remains. These factors encourage me to conclude that any risk to public safety arising from a further delay in reporting date can be addressed by the Royal Commission, if necessary.

36. When Cabinet initially agreed the current date, it was concerned about the potential impact on the criminal trial of reporting in April 2020. As the attack accused has now pleaded guilty to all charges in respect of the attacks, the Royal Commission's report could be released without fear of prejudicing the trial, but the potential impact any further extension could have on responding agencies and individuals remains. This includes the impacts that any extension might have on responding agencies' work programmes, and on the timeframes for additional, system-wide improvements we might see as necessary following the attack.
37. I am conscious of course that a further delay in reporting date may be a source of disappointment and concern to some in New Zealand's Muslim communities. However, I am confident those communities will appreciate the implications of the COVID-19 state of emergency on both the Royal Commission and on relevant agencies

Option 1: Fixed reporting date - extension to 31 July 2020

38. An extension of time to 31 July 2020 could enable the Royal Commission to complete its report, provided the Royal Commission is able to resume its work quickly once the current four-week Level 4 COVID-19 response is reduced.
39. If the COVID-19 Level 4 response continues for more than four weeks the Royal Commission would be unable to meet a July 2020 final reporting date as it is impossible for the Royal Commission to continue most of its work during the Level 4 response.
40. Agencies are continuing to respond to Royal Commission requests where possible, however the requirements for people to work from home prevents the Royal Commission and agencies from accessing secure physical environments and constrains the ability of agencies and individuals to respond to parts of the draft report during the Level 4 COVID response.

Option 2: Extension to 31 July 2020 with ability to vary reporting date if required (preferred)

41. The terms of reference for the Royal Commission would be amended to enable it to report on 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. The flexibility to change the reporting date would provide additional flexibility should the Royal Commission continue to be adversely affected by the current COVID-19 pandemic. Consultation with the Attorney General would also offer public confirmation that the Crown would consider the legal implications of any change in reporting date before agreeing to any such change. Consultation with the Chair would ensure that any change would not affect the Royal Commission or its report.
42. If the terms of reference were amended in this way, the amendment would include a statement that the amended report date would only be amended further if the Minister,

following consultation with the Attorney and Chair, felt that such further amendment was necessary and appropriate. This would provide some assurance to affected parties that the report would not be delayed unnecessarily.

Preferred option - Extension to 31 July 2020 with ability to vary reporting date if required

43. On balance, amending the terms of reference to set a new report date of 31 July 2020 and to enable the Minister of Internal Affairs to vary that reporting date if required is the preferred option. The current level of uncertainty created by the COVID-19 pandemic on both the Royal Commission and on agencies means that having some flexibility in the reporting date would enable the current risks to be managed more effectively.
44. There may be some adverse comment about the delay in the report and the lack of clarity about the actual reporting date. However, this risk is outweighed by the need to ensure we have the flexibility to respond to the COVID-19 pandemic.

Financial Implications

45. There will be some cost implications in extending the final reporting date for the Royal Commission. The funding will be required to continue to pay Commissioners' fees, to retain property and services and the current Secretariat for the extended period required for the Royal Commission to finalise its report.
46. s9(2)(f)(iv) Official Information Act 1982

47. As an interim measure, the Department will reprioritise existing funding from within Vote Internal Affairs baselines in the short-term to meet the Royal Commission's costs up to the end of May 2020. The Department will need to reprioritise its existing resources and work programmes to meet these additional funding needs which may lead to a reduction in the provision of goods and services or rescinding commitments that have been entered into.
48. The Department is currently focussed on the COVID-19 response which will require significant reprioritisation of its existing funding. This means the Department will be unable to reprioritise funding to meet the Royal Commission's needs beyond May 2020.
49. s9(2)(f)(iv) Official Information Act 1982





s9(2)(f)(iv) Official Information Act 1982 - to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers of the Crown and officials.

S E N S I T I V E

s9(2)(f)(iv) Official Information Act 1982 - to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers of the Crown and officials.

50. s9(2)(f)(iv) Official Information Act 1982

51. s9(2)(f)(iv) Official Information Act 1982

52. The level of uncertainty with the current situation means that the Department is unable to accurately estimate how much additional funding the Royal Commission will require to complete its work at this point in time. I will update Cabinet once the Royal Commission and the Department are able to establish the Royal Commission's additional funding needs in more detail.

Submission of an Amendment Order in Council

53. I seek Cabinet authorisation to submit an Amendment Order in Council, made under the authority of the Letters Patent and sections 6 and 7 of the Inquiries Act 2013, to the Executive Council. This Amendment Order in Council amends the Principal Order that established the Royal Commission.
54. I confirm that the Amendment Order in Council complies with the principles of the Treaty of Waitangi; the rights and freedoms contained in the New Zealand Bill of Rights Act 1990; the Human Rights Act 1993; the principles and guidelines set out in the Privacy Act 1993; and relevant international standards and obligations. It also complies with the Guidelines on the Process and Content of Legislation (2014 edition).
55. If Cabinet agrees, this Amendment Order in Council will be submitted to the Executive Council on 20 April 2020 and come into force on the day after the day of notification.
56. I propose to waive the rule that legislative instruments come into force at least 28 days after they have been notified in the New Zealand Gazette. I am seeking a waiver on the grounds that changes are required prior to the Royal Commission's current reporting date of 30 April 2020.
57. I am not aware of any grounds on which the Amendment Order in Council should be drawn to the attention of the House of Representatives under Standing Order 319 "Drawing attention to regulation". The draft Amendment Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Consultation

58. Crown Law, the Treasury, and the Department of the Prime Minister and Cabinet have been consulted on the proposals in this paper.

Human rights

59. The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Publicity

60. If Cabinet approves the Royal Commission's request for an extension, I intend to make a press release.

Proactive Release

61. I intend to proactively publish this Cabinet paper and other relevant papers on the Department's website. Publication will occur within two months, subject to current uncertainties created by the current environment, to allow for consultation with relevant State sector agencies, appropriate due diligence, redactions of legally privileged information and consideration of any other redactions.

Recommendations

62. The Minister for Internal Affairs recommends that the Cabinet Business Committee:
1. **note** that on 10 November 2019, Cabinet approved additional funding of \$3.000 million and a revised final report back date of 30 April 2020 [CAB-19-MIN-0584 refers];
 2. **note** that the Royal Commission has advised that it will be unable to deliver its report by 30 April 2020 and the COVID-19 pandemic has created additional uncertainty regarding when the Royal Commission will be able to deliver its final report;
 3. **note** that there are a number of considerations when deciding on an extension date, including:
 - 3.1. the need to respond to the COVID-19 pandemic context;
 - 3.2. the time between the attack and the Inquiry report;
 - 3.3. the timeframes for additional, system-wide improvements necessary following the attack; and,
 - 3.4. the cost of an extension.
 4. **note** that on balance amending the terms of reference to set a report date of 31 July 2020 and to allow the Minister of Internal Affairs to vary that date for the final report is the preferred option;
 5. **agree** to amend the terms of reference for the Royal Commission so that the reporting date will be 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, to be feasible and appropriate, after consultation with the Chair of the Royal Commission;
 6. **note** that additional funding required by the Royal Commission will be met from Departmental baselines until the end of May 2020;
 7. **s9(2)(f)(iv) Official Information Act 1982**
 8. **s9(2)(f)(iv) Official Information Act 1982**

s9(2)(f)(iv) Official Information Act 1982 - to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers of the Crown and officials.

9. **agree** to authorise the submission to the Executive Council of the Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 Amendment Order 2020, made under the authority of the Letters Patent and section 6 of the Inquiries Act, to give effect to recommendation 5;
10. **agree** to waive the 28-day rule on the grounds that changes are required prior to the expiry of the Royal Commission's current reporting date of 30 April 2020;
11. **note** that the Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019 Amendment Order 2020 will come into force on 24 April 2020; and
12. **note** that I intend to proactively publish this Cabinet paper, and other relevant papers, on the Department's website within two months subject to appropriate due diligence, redactions of legally privileged information and consideration of any other redactions.

Authorised for lodgement

Hon Tracey Martin
Minister of Internal Affairs

S E N S I T I V E

Appendix A: Letter dated 31 March 2020 from the Royal Commission of Inquiry into the Attack on Christchurch Mosques on 15 March 2019

Proactively Released



31 March 2020

Hon Tracey Martin
Minister of Internal Affairs
Level 5, Executive Wing
Parliament Buildings
WELLINGTON

Dear Minister

**ROYAL COMMISSION OF INQUIRY INTO THE ATTACK ON CHRISTCHURCH MOSQUES ON
15 MARCH 2019: FURTHER EXTENSION**

We are writing to you to request an extension to our report back date set out in our Terms of Reference.

Currently the Order in Council requires us to report by 30 April 2020. We are not in a position to report by that date.

We request 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, for reasons we explain in this letter.

The current state of play in respect of our draft report / outstanding material

We have eight Parts of our report that need to be distributed for natural justice purposes fact checking, seeking consent to quote individuals, and agency advice on security classification and sanitisation of classified information. As of today's date, the position is as follows:

Distributing extracts of our report for due diligence purposes

- We have completed distributing material relating to six Parts (approx. 415 pages) of our draft report to relevant State sector agencies and/or individuals. This has involved sending out twenty six letters and material to relevant State sector agencies and one hundred and twenty-four letters and material to individuals and non-State sector agencies. There are twenty-five individuals and non-State sector agencies (including less than a handful of current and former State sector employees) that we are still distributing material to in relation to these Parts. We cannot complete the

process in relation to all of the current and former State sector employees for one of the six Parts distributed while we work remotely because the relevant material to be distributed carries a national security classification.

- We have completed distributing material relating to a seventh Part (approx. 121 pages) to fifteen relevant State sector agencies and have started to distribute material of this Part to sixty-six individuals (including current and former state sector employees). We will have completed distribution of this seventh Part to the relevant individuals by Wednesday 8 April.
- We have also sought feedback from agencies on the classification of information (and sanitisation of classified information) in relation to the Parts we have distributed thus far. These requests were typically incorporated as an additional item into the letters described above.

Feedback received to date

- State sector agencies have submitted seven of the forty-one responses required on the draft Parts sent to them to date.
- Ninety of the one hundred and fifty nine individuals and non-State sector agencies have submitted responses on the Parts sent to them to date.
- We have received very limited feedback on classification/sanitisation of information contained in our report.

As you will see, our natural justice, fact-checking, quotation consent and security classification processes are well advanced but still have some time to run. This is particularly so in relation to Part H (which deals with our assessment of the national security system and the counter-terrorism effort) which is approx. 350 pages. We have not been able to send out this part of our draft report to any of the State sector agencies or individuals for natural justice, fact-checking, quotation consent or advice on classification and sanitisation as the material is classified above Restricted and held in our sensitive compartmented information facility (SCIF). Once we have access to the SCIFs again, we will need to distribute individualised extracts of that material to twenty-one relevant State sector agencies and forty individuals (including current and former State sector employees).

To provide you with additional context, we note:

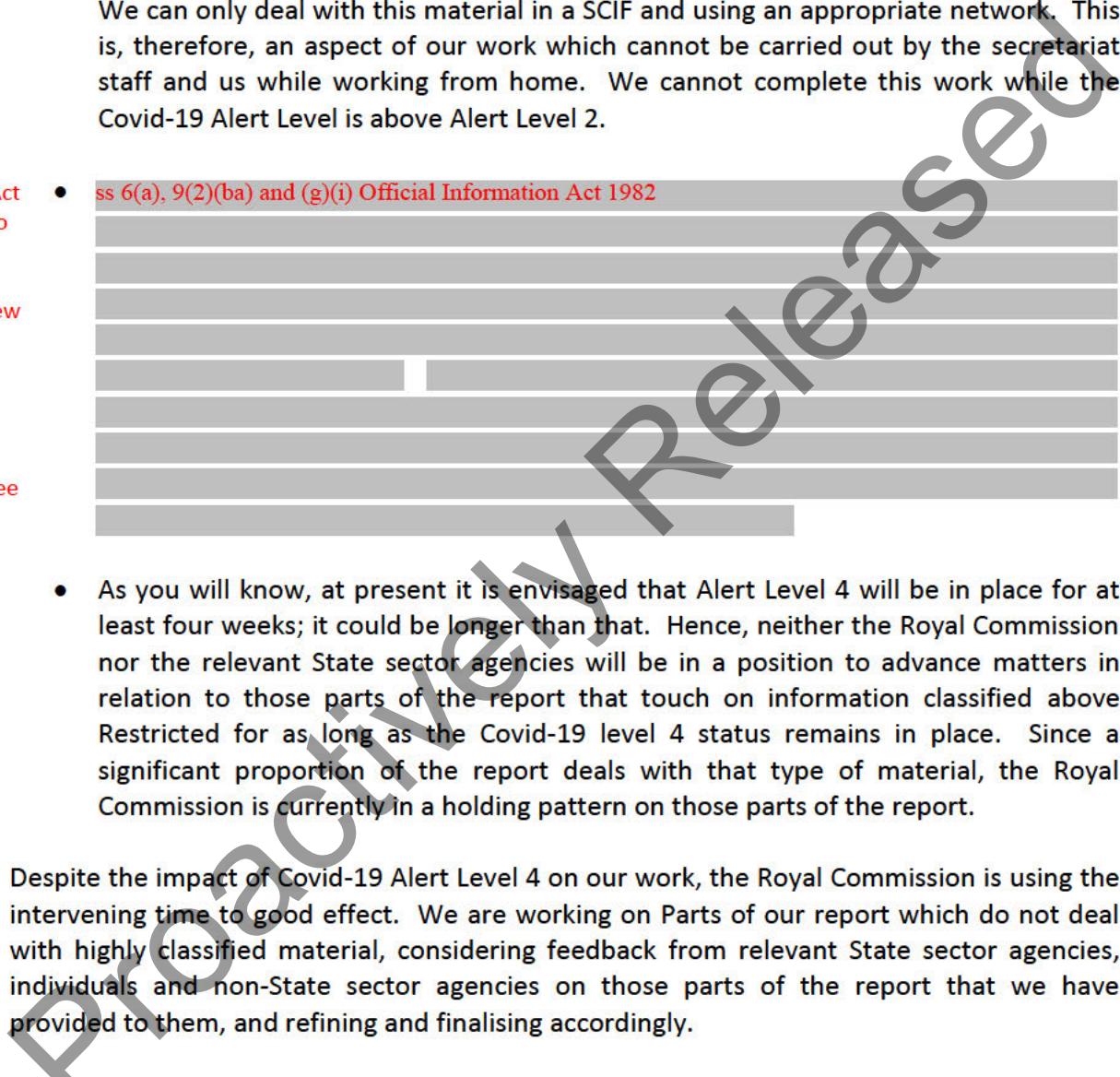
- while we have now received all evidence requested, Tranche 28 of New Zealand Police's evidence (comprising over 1,200 pages) was only provided to us on 23 March 2020 and still requires analysis.
- while we have held all expected evidentiary hearings, we anticipate that further hearings may be required to resolve classification/sanitisation issues.

The impact of Covid-19 Level 4

While we had been hopeful – in light of the progress described above – that we could complete our report six weeks after the current deadline of 30 April 2020, the recent events around Covid-19 now make advancing our report towards completion within that timescale impossible, for the following reasons:

- Much of the material referred to in our draft report is classified above Restricted. We can only deal with this material in a SCIF and using an appropriate network. This is, therefore, an aspect of our work which cannot be carried out by the secretariat staff and us while working from home. We cannot complete this work while the Covid-19 Alert Level is above Alert Level 2.

Official
Information Act
1982: s6(a)- to
prejudice the
security or
defence of New
Zealand
s 9(2)(ba) -
information
supplied in
confidence
s9(2)(g)(i) - free
and frank
expression of
opinion.

- ss 6(a), 9(2)(ba) and (g)(i) Official Information Act 1982
- 

- As you will know, at present it is envisaged that Alert Level 4 will be in place for at least four weeks; it could be longer than that. Hence, neither the Royal Commission nor the relevant State sector agencies will be in a position to advance matters in relation to those parts of the report that touch on information classified above Restricted for as long as the Covid-19 level 4 status remains in place. Since a significant proportion of the report deals with that type of material, the Royal Commission is currently in a holding pattern on those parts of the report.

Despite the impact of Covid-19 Alert Level 4 on our work, the Royal Commission is using the intervening time to good effect. We are working on Parts of our report which do not deal with highly classified material, considering feedback from relevant State sector agencies, individuals and non-State sector agencies on those parts of the report that we have provided to them, and refining and finalising accordingly.

The requested extension date is either (a) 12 weeks after the Covid-19 Alert Level drops to Alert Level 2 across Auckland, Wellington and Canterbury regions, or (b) 31 July 2020 with some flexibility to change depending on circumstances.

We believe that we will be able to provide a report within twelve weeks of the Covid-19 Alert Level reverting to Level 2 across Auckland, Wellington and Canterbury regions and thus enabling us access to SCIFs. This is based on the premise that neither of us nor any of our staff are impacted by Covid-19 thus enabling us all to be able to access SCIFs in the mentioned regions.

We would be happy for an extension to be granted on those terms, that is by reference to a period (twelve weeks to be prudent) after the Covid-19 Alert Level drops to Level 2. Alternatively, if a fixed date is preferred, we suggest 31 July 2020. This date is premised on our staff and us being able to work solidly for 12 weeks from the end of April 2020 as the Alert Level has decreased to Level 2. Whichever option is chosen, there will need to be some flexibility applied recognising the Covid-19 situation, while enabling the Royal Commission to continue to drive hard to finalise its report.

The accused's guilty plea

Finally, we note that on 26 March 2020 the man accused of the attack on Christchurch mosques pleaded guilty to all charges of murder, attempted murder and the commission of a terrorist act brought against him and was convicted on all charges. There has been some suggestion in the media and by some community members that this event means the Royal Commission:

- can now move to public hearings; and
- will now be able to produce its report within a matter of weeks.

We note the Royal Commission does not intend, at this late stage of its work, when all evidentiary hearings have been undertaken and all evidence has been received, to revisit the question of public hearings. On balance, we consider the drawbacks associated with the likely delay of our report would exceed the benefits to be gained by undertaking public hearings. If, however, you considered it necessary for public hearings to be held, then we believe this would need to be set out in our Terms of Reference and a further six months set aside to undertake this role including further funding to enable this to occur.

Financial Implications of the extension

We note that there will be some financial implications associated with the Royal Commission continuing to function. We are being prudent and minimising costs where we can, but in order to deliver our report we need ongoing funding to maintain key staff and ourselves for 12 weeks work. Because of the uncertainty associated with this project we have asked our Executive Director to work with the Department of Internal Affairs to finalise these costs once we are back in full operation in order to quantify the amount of funds required to ensure we can complete our report.

Concluding comments

For the reasons given above, there is no prospect of the report being able to be delivered by 30 April 2020. Put bluntly, Covid-19 Level 4 has significantly impacted our ability to complete it. We believe that New Zealanders will understand and accept this.

We continue to make good progress towards finalising our report but we need further time, the ability to access SCIFs and both our staff and us fully healthy. We seek an extension that

can be adapted in a manner recognising the Covid-19 situation, while propelling the Royal Commission to finalise its report. You can be assured that we continue to be committed to delivering an authoritative and complete report as soon as reasonably practicable.

Many thanks for your and the government's ongoing support for the work of the Royal Commission. We look forward to hearing from you at your earliest convenience.

Nā māua noa, nā,



Sir William Young
Chair



Jacqui Caine
Member

Proactively Released