

Ko tō tātou kāinga tēnei

*Report of the Royal Commission of Inquiry
into the terrorist attack on Christchurch
masjidain on 15 March 2019*

Volume 2:
Parts 4-7



ROYAL COMMISSION OF INQUIRY
INTO THE TERRORIST ATTACK
ON CHRISTCHURCH MOSQUES
ON 15 MARCH 2019

TE KŌMIHANA UIUI A TE WHAKAEKE
KAIWHAKATUMA I NGĀ WHARE
KŌRANA O ŌTAUTAHI I TE
15 O POUTŪ-TE-RANGI 2019

26 November 2020

Ko tō tātou kāinga tēnei

*Report of the Royal Commission of Inquiry
into the terrorist attack on Christchurch
masjids on 15 March 2019*

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The terrorist

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1 Our Terms of Reference directed us to inquire into:

- 3(a) the individual's activities before the terrorist attack, including—
- (i) relevant information from his time in Australia; and
 - (ii) his arrival and residence in New Zealand; and
 - (iii) his travel within New Zealand, and internationally; and
 - (iv) how he obtained a gun licence, weapons, and ammunition; and
 - (v) his use of social media and other online media; and
 - (vi) his connections with others, whether in New Zealand or internationally.

We address each of these issues in this Part, although we go into how the individual obtained a firearms licence in much greater detail in *Part 5: The firearms licence*.

- 2 We interviewed family and associates of the individual, members of New Zealand Police and other officials. We examined, tested and analysed thousands of pages of evidence. Also, after the individual pleaded guilty to the charges against him and it was clear that there would be no trial, we interviewed him.
- 3 When we interviewed the individual, his responses to some questions were limited and, on occasion, non-existent. We have distinct reservations about, and in some instances do not believe, aspects of what he told us. That said, much of what he said was credible, for instance his explanations of certain documents he created. More generally the interview provided insights into his activities and thinking, sometimes in ways he did not intend.
- 4 It may be helpful at this stage to outline some points that provide a little context ahead of the detailed discussion about the individual that follows.
- 5 The individual was born in October 1990 in Grafton, New South Wales in Australia, which is where he went to primary and secondary school. His mother is Sharon Tarrant and he has one older sister, Lauren Tarrant. His father, Rodney Tarrant, is deceased.
- 6 His upbringing in Australia was marked by a number of stressors, including his parents' separation and his mother's subsequent relationship with an abusive partner. His father developed a form of cancer (mesothelioma) caused by exposure to asbestos and later died by suicide in April 2010.
- 7 Before he died, Rodney Tarrant settled a claim for damages relating to his exposure to asbestos. With money that largely came from this settlement, he gave AU\$457,000 to each of his two children.



- 8 The individual expressed racist ideas from an early age. He was also an avid internet user and online gamer. He had few childhood friends.
- 9 After leaving school, the individual worked as a personal trainer at a local gym until 2012 when he suffered an injury. He never again worked in paid employment. Instead, he lived off the money that he had received from his father and income from investments made with it. Although in his manifesto the individual claimed to have made money dealing in cryptocurrency, he told us that he generally used cryptocurrency only for transactions (that is, as currency). His banking records indicate only limited relevant transactions that total less than AU\$6,000. We have seen no evidence that he made any significant profits through cryptocurrency.
- 10 With the money from his father, the individual travelled extensively. First in 2013, he explored New Zealand and Australia and then between 2014 and 2017 he travelled extensively around the world.
- 11 The individual has a close relationship with his sister Lauren Tarrant, and to a lesser extent with his mother Sharon Tarrant, but his relationships with others have been limited and superficial. He describes himself as an introvert. He told us that he had suffered from social anxiety since childhood and found socialising with others stressful. Without a job, he had no need to associate with people in workplaces and his frequent and usually solitary travel meant he did not form enduring relationships with others. This meant that his self-described introversion was not mitigated by the usual daily interactions that most people experience in their regular lives. Accordingly, there was limited opportunity for the hard edges of his political thinking to be softened by regular and lasting connections with people with different views. In fact, his limited personal engagement with others left considerable scope for influence from extreme right-wing material, which he found on the internet and in books.
- 12 By January 2017, he was planning to move to New Zealand later that year and to take up shooting. We know this because in January that year he emailed the Bruce Rifle Club (which is near Dunedin) inquiring whether it was still operating. He indicated an intention to move to Dunedin in August that year. In February 2017 he booked flights to New Zealand to arrive in Auckland on 17 August 2017 and then on to Dunedin on 20 August 2017. We see these activities as the first manifestations of his terrorist intent.



- 13 We are satisfied that by January 2017 the individual had a terrorist attack in mind. We are also satisfied that when the individual came to live in New Zealand on 17 August 2017, it was with a fully-developed terrorist ideology based on his adoption of the Great Replacement theory and his associated beliefs that immigration, particularly by Muslim migrants, into Western countries is an existential threat to Western society and that the appropriate response (at least for him) was violence.
- 14 As foreshadowed in his January 2017 emails to the Bruce Rifle Club, the individual moved to Dunedin, and on 1 September 2017 – just 15 days after arriving in New Zealand – he took the first step towards obtaining a firearms licence. From that time on, his primary focus in life was planning and preparing for his terrorist attack.
- 15 The individual is capable of pursuing an idea or plan of action with considerable determination and with no assistance from others. Indeed, he can be single-minded to the point of obsession. This is evidenced by his ability to pursue fitness aims, the development and persistence of his racist and extreme right-wing patterns of thinking, his extensive travel and, most particularly, the preparation and planning for the terrorist attack he carried out on 15 March 2019. For the more than 18 months he lived in New Zealand preparing for the terrorist attack, he remained resolutely focused, attempting to maintain operational security from which there were only limited lapses.
- 16 In this Part we explain the individual’s trajectory from childhood in Australia through to the terrorist attack in New Zealand. In doing so, we draw on some of the concepts and ideas outlined in Part 2, chapter 5, on right-wing extremism. We have also tried to identify aspects of his behaviour, particularly those relevant to his terrorist ideology and preparation for the terrorist attack, which might have brought him to the attention of Public sector agencies, and specifically counter-terrorism agencies. This is something we deal with in various other Parts of this report but in this Part we discuss all the aspects of his conduct that are relevant to this phase of our inquiry.

Chapter 2: The individual's upbringing in Australia



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- 1 Grafton, where the individual was born and brought up, is about 600 kilometres north of Sydney. Approximately 19,000 people live there, just under 10 percent of whom are Aboriginal or Torres Strait Islander Australians.
- 2 The individual's parents, Rodney and Sharon Tarrant, separated when he was young.¹ After the terrorist attack, Sharon Tarrant told Australian Federal Police that her children were traumatised by the separation and other events, including the loss of their family home in a fire and the death of their grandfather. She also said that the individual's personality changed after the separation, with him becoming clingy, anxious and not socialising well with others. The individual told us he suffered from social anxiety from childhood.
- 3 Following their parents' separation, the individual and Lauren Tarrant initially lived with their mother and later with their mother and her new partner. That relationship was violent, with the new partner assaulting Sharon Tarrant and the children. An apprehended violence order was taken out against his mother's partner to protect the individual. Lauren Tarrant, and later the individual, went to live with their father.
- 4 Sharon Tarrant told the Australian Federal Police that the individual put on weight between the ages of 12 to 15. This led to bullying by other students at school. The individual had very few friends at school and, after he left school, he seems to have stayed in touch with only two of them, to whom we will refer as "school friend one" and "school friend two". His contact with them was episodic.
- 5 From the age of six or seven, the individual was interested in video games. He became particularly interested in massively multiplayer online role-playing games, other online role-playing games and first-person shooter games. As a child he had unsupervised access to the internet from a computer in his bedroom. He spent much of his free time at school accessing the internet on school computers. In 2017, he told his mother that he had started using the 4chan internet message board when he was 14 years old.
- 6 The individual began expressing racist ideas from a young age, including at school and when referring to his mother's then partner's Aboriginal ancestry. He was twice dealt with by one of his high school teachers, who was also the Anti-Racism Contact Officer,² in respect of anti-Semitism. This teacher described the individual as disengaged in class to the point of quiet arrogance, but also well-read and knowledgeable, particularly on certain topics such as the Second World War.

¹ The year the parents separated, as provided by Sharon and Lauren Tarrant to Australian Federal Police, are not the same. Sharon Tarrant said she separated from Rodney Tarrant in 2000 (when the individual was aged nine or ten) and Lauren Tarrant said they separated when the individual was aged seven.

² Under the New South Wales Department of Education Anti-Racism Policy, all schools are required to have a trained Anti-Racism Contact Officer and to implement strategies that lead to timely responses to both direct and indirect racism. The Anti-Racism Contact Officer assists parents, staff and students who have complaints regarding racism and facilitates the complaints handling process.



- 7 In 2006 or 2007, when the individual was 16 or 17, his father was diagnosed with pleural mesothelioma, a form of lung cancer caused by exposure to asbestos. After the diagnosis Rodney Tarrant became increasingly depressed and his children did not cope well. The individual began exercising compulsively at gyms and following a strict diet. He lost around 52 kilograms in weight.
- 8 As Rodney Tarrant's health deteriorated he needed palliative care and in April 2010 he died by suicide at home. Information provided to Australian Federal Police after the terrorist attack indicated that the individual "discovered" his father's body, having previously agreed with his father that he would do so. The individual was reluctant to engage with us on this issue. Given it was not particularly relevant to our inquiry, we did not push him once he gave an undetailed and not particularly convincing denial of involvement in his father's suicide. What is relevant for our purposes is that the illness and death of his father caused the individual much stress.
- 9 Lauren Tarrant received counselling about her family situation, particularly the anger and abuse from Sharon Tarrant's partner. As far as we know, the individual received limited counselling. This was through the palliative care system when his father was ill and shortly after he died. The individual told us that he had not sought treatment for his social anxiety.
- 10 Prior to his death, Rodney Tarrant gave the individual and his sister around AU\$80,000 each. Following his death, both children received more money from his estate, bringing the total to around AU\$457,000 each. This was largely from the settlement of a claim for damages arising out of the exposure to asbestos, which had caused his mesothelioma.
- 11 The individual continued to play video games regularly after his father's death. He often played online with a group of people including school friend one and a New Zealander, whom he had met on the internet and to whom we refer as the individual's "gaming friend". During these games, the group would often chat online and the individual would openly express racist and far right views.
- 12 Apart from gaming and spending time on the internet, the individual also maintained his interest in keeping fit. He joined the Big River Gym in Grafton at the end of his final high school year. Around mid-2009, he qualified as a personal trainer and worked at the gym, taking group classes and one-on-one personal training sessions. The owner and operator of the Big River Gym described the individual as a good personal trainer. During this time the individual trained by himself for two to three hours every day.



- 13 The individual told us that he began to think politically when he was about 12 and that his primary concerns have been about immigration, particularly by Muslim migrants into Western countries. In his manifesto he said that he had no complaints with ethnic people, if they remained in their places of birth. Those on the far right, particularly ethno-nationalists (as described in Part 2, chapter 5), sometimes assert similar views while disingenuously denying being racist. Aspects of the individual's life are consistent with his description of his views. When he was still working as a personal trainer in Grafton, he carried out community work in an Australian Aboriginal community. He told us that his relationships with members of this community were generally good and that he had admiration for some of its leaders. When travelling he engaged with people from many different ethnicities. When we interviewed him, he denied being racist. On the other hand he accepted in his manifesto that he was racist, a self-assessment that we accept.
- 14 As the individual grew older, he told his sister that he thought he was autistic and possibly sociopathic. He also said that he did not care for people, including his own family, but knew that he should. His friendships with those outside his family were limited and we have seen no evidence that the individual was involved in sustained romantic or sexual relationships.
- 15 The individual stopped working at the Big River Gym in 2012 after suffering an injury. It was at this point he decided to use the money he had inherited from his father to travel. He did not have any ties, connections or purpose in life that prevented him from travelling.
- 16 The individual travelled to New Zealand for a holiday from 28 March 2013 to 29 May 2013.³ School friend one accompanied him for the first part of the trip. When they arrived, they both stayed for around three days in Waikato with gaming friend and their parents. As mentioned above, the individual had come to know gaming friend online, but this was the first time gaming friend and the individual met each other in person.
- 17 This was also the first time that gaming friend's parent met the individual. Gaming friend's parent said the individual did not talk in a way that was of concern and described him as "polite" and "nice". Gaming friend and their parent are keen shooters and took the individual and school friend one to a shooting club twice and possum hunting. These were the individual's first experiences using firearms. The visits of the individual, gaming friend and school friend one were recorded in the register of the shooting club.
- 18 The individual spent approximately two weeks travelling around New Zealand in a campervan with school friend one and gaming friend. Gaming friend had not originally intended to go on the trip but decided to join them at the last minute to play peacemaker between the individual and school friend one who had been arguing with each other.

³ This was the individual's second time visiting New Zealand. The individual's first visit to New Zealand was as a child with his father and sister, arriving on 12 July 1999 and departing on 22 July 1999.



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- 19 At the end of the two weeks, they spent one more night at gaming friend's family home before school friend one returned to Australia and the individual visited other parts of New Zealand on his own.
- 20 While travelling on his own, the individual visited Dunedin. We also know that he travelled through Whanganui, because he had a minor car accident there on 6 May 2013 when he pulled off the road onto the verge and his vehicle rolled forward down a bank. The individual was the only person in the car when he had the accident and there were no other vehicles involved. New Zealand Police attended the accident, but no enforcement action was taken. At the end of this trip he spent a few more nights with gaming friend and their family before returning to Australia.
- 21 On the individual's return from New Zealand he drove a van around Australia for about nine months between May 2013 and February 2014. During his travels, he visited Port Arthur in Tasmania. We discuss the possible relevance of this in *Part 6: What Public sector agencies knew about the terrorist*.

Chapter 3: World travel – 15 April 2014 to 17 August 2017

3.1 Where he travelled and what he did

- 1 Between 15 April 2014 and 17 August 2017, the individual travelled extensively and always alone, except for his travel to North Korea as part of a tour group. The countries that we know the individual visited, or transited through, are set out in the table and world map below. This has been pieced together from a range of sources as part of our inquiry.

Table 1: The individual’s international travel between 2014–2017

Country visited	Arrived	Departed
Indonesia	15 April 2014	2 May 2014
Singapore	2 May 2014	6 May 2014
Malaysia	6 May 2014	22 May 2014
Thailand	22 May 2014	28 June 2014
Laos	28 June 2014	10 July 2014
Cambodia	10 July 2014	22 July 2014
Vietnam	22 July 2014	22 August 2014
Hong Kong	22 August 2014	29 August 2014
Macau	29 August 2014	30 August 2014
Hong Kong	30 August 2014	3 September 2014
China	3 September 2014	8 September 2014
North Korea	8 September 2014	18 September 2014
China	18 September 2014	17 October 2014
South Korea	17 October 2014	13 November 2014
Taiwan	13 November 2014	1 December 2014
Malaysia (transit)	1 December 2014	1 December 2014
Myanmar	1 December 2014	29 December 2014
China	29 December 2014	28 January 2015
Philippines	28 January 2015	2 March 2015
China	2 March 2015	31 March 2015
Japan	31 March 2015	20 May 2015
China	20 May 2015	18 June 2015
Kyrgyzstan	18 June 2015	30 June 2015



Country visited	Arrived	Departed
Armenia	30 June 2015	12 July 2015
Georgia	12 July 2015	19 August 2015
Ukraine	19 August 2015	8 September 2015
Russia	8 September 2015	8 October 2015
Singapore (transit)	8 October 2015	8 October 2015
China	8 October 2015	29 October 2015
Nepal	29 October 2015	21 November 2015
India	21 November 2015	18 February 2016
Iran	Unknown	17 March 2016
Turkey	17 March 2016	20 March 2016
Greece	20 March 2016	18 April 2016
Turkey (transit)	18 April 2016	18 April 2016
Slovenia	18 April 2016	4 May 2016
Hungary	4 May 2016	24 May 2016
Slovakia	25 May 2016	6 June 2016
Czech Republic	9 June 2016	17 June 2016
United Arab Emirates (transit)	18 June 2016	18 June 2016
Australia	19 June 2016	16 July 2016
Indonesia	16 July 2016	12 September 2016
Malaysia (transit)	12 September 2016	12 September 2016
Turkey	13 September 2016	25 October 2016
Israel	25 October 2016	4 November 2016
Jordan	4 November 2016	10 November 2016
United Arab Emirates	10 November 2016	15 November 2016
Oman	15 November 2016	24 November 2016
United Arab Emirates (transit)	24 November 2016	24 November 2016
Ethiopia	24 November 2016	28 November 2016
Egypt (transit)	29 November 2016	29 November 2016



Country visited	Arrived	Departed
Greece (transit)	29 November 2016	29 November 2016
Romania	29 November 2016	10 December 2016
Greece (transit)	10 December 2016	10 December 2016
Egypt	10 December 2016	21 December 2016
Morocco	21 December 2016	24 December 2016
Turkey (transit)	24 December 2016	24 December 2016
Croatia	25 December 2016	28 December 2016
Serbia	28 December 2016	30 December 2016
Montenegro	30 December 2016	2 January 2017
Bosnia and Herzegovina	2 January 2017	3 January 2017
Croatia	3 January 2017	31 January 2017
Spain	31 January 2017	24 February 2017
Portugal	24 February 2017	14 March 2017
Spain	14 March 2017	30 March 2017
France	1 April 2017	1 May 2017
Ireland	1 May 2017	8 May 2017
Scotland	8 May 2017	10 May 2017
Iceland	10 May 2017	20 May 2017
Scotland (transit)	20 May 2017	20 May 2017
England (transit)	20 May 2017	20 May 2017
Canada (transit)	20 May 2017	21 May 2017
Peru (transit)	22 May 2017	22 May 2017
Bolivia	22 May 2017	2 June 2017
Peru	2 June 2017	17 June 2017
Canada (transit)	17 June 2017	17 June 2017
England (transit)	18 June 2017	18 June 2017
Scotland (transit)	18 June 2017	18 June 2017
Kenya	19 June 2017	24 June 2017
Tanzania	25 June 2017	3 July 2017

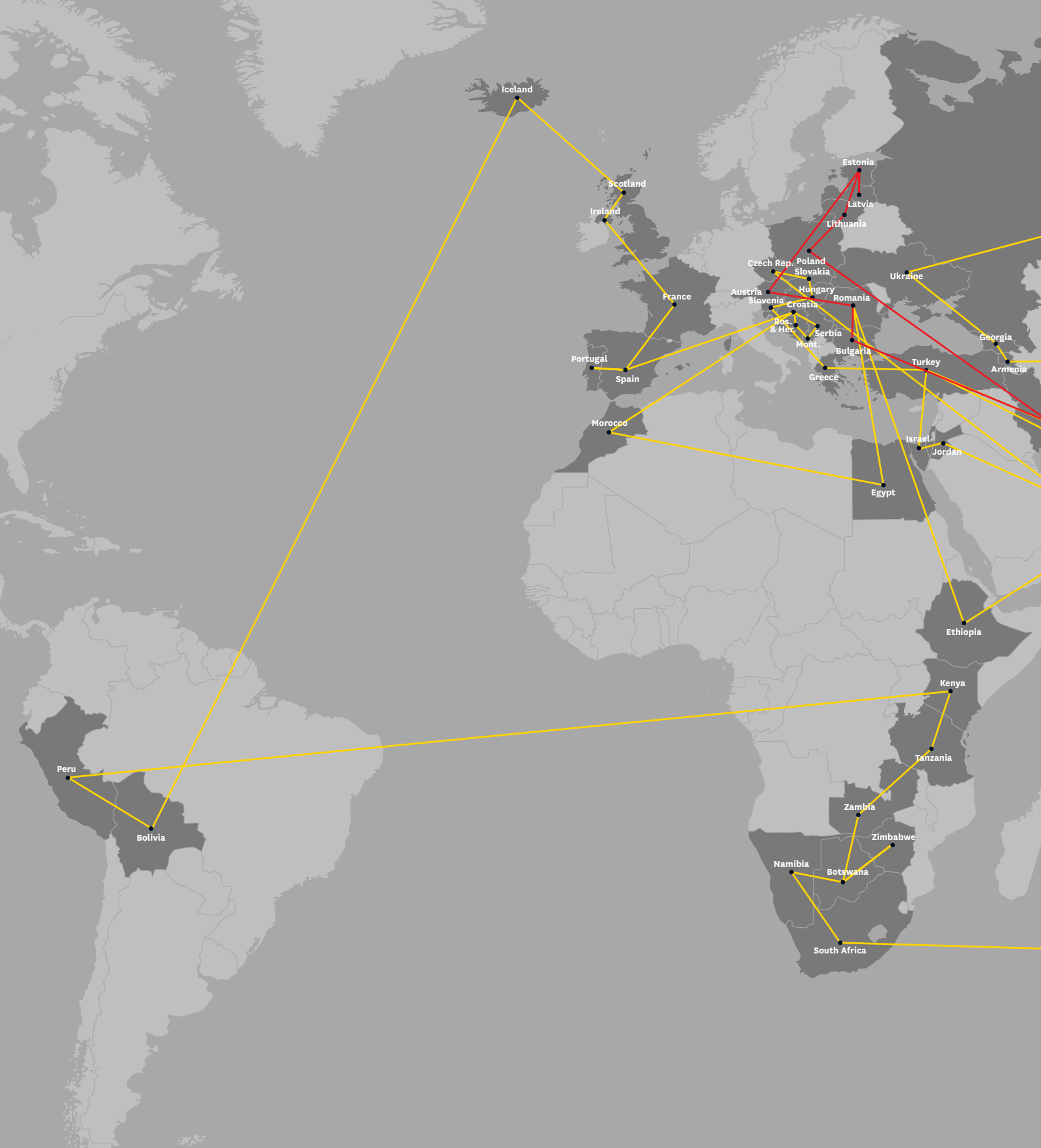


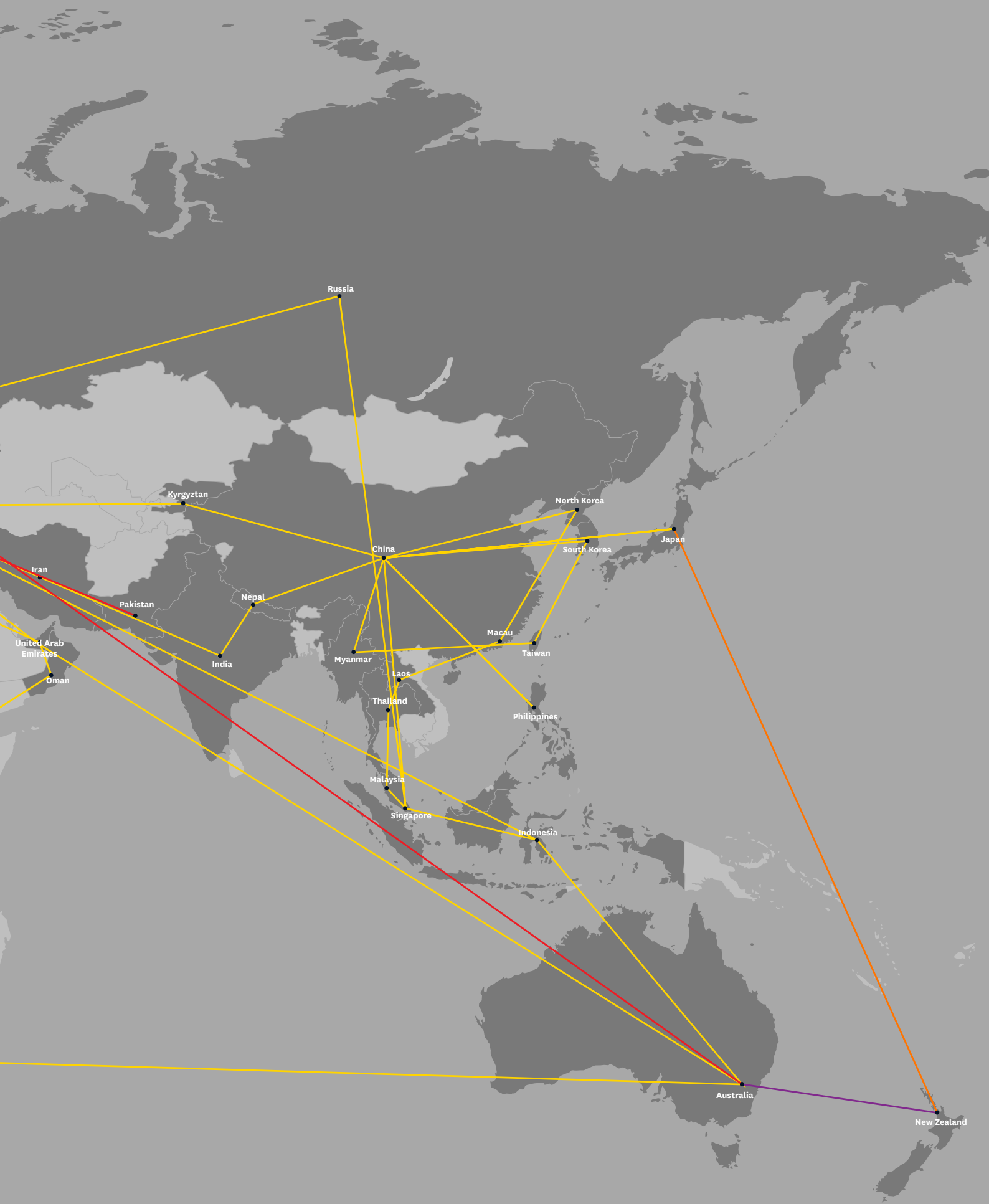
Country visited	Arrived	Departed
Malawi (transit)	6 July 2017	6 July 2017
Zambia	9 July 2017	11 July 2017
Botswana	13 July 2017	14 July 2017
Zimbabwe	14 July 2017	17 July 2017
Botswana	17 July 2017	22 July 2017
Namibia	23 July 2017	2 August 2017
South Africa	2 August 2017	8 August 2017
United Arab Emirates (transit)	9 August 2017	9 August 2017
Australia	10 August 2017	17 August 2017

- 2 The individual continued to use the internet during his travels. He communicated with Sharon and Lauren Tarrant on Skype and Facebook Messenger and sporadically used Facebook Messenger to contact online friends, including gaming friend. He also posted photos of his travels on Facebook. We have no doubt that he visited right-wing internet forums, subscribed to right-wing channels on YouTube and read a great deal about immigration, far right political theories and historical struggles between Christianity and Islam. And, as we will explain, he also posted some right-wing and threatening comments.
- 3 While extremist groups (including violent extremists) can be found in some of the countries the individual visited, there is no evidence that he met with them. Likewise, there is no evidence that he engaged in training or investigated potential targets. And although some of the sites he visited may have had resonance for him because of associations with past military action between Christianity and Islam, this is not the case with the vast majority of the destinations to which he travelled.
- 4 The individual told his mother, sister, his sister’s partner and gaming friend that he had been mugged while in Africa and all of them saw this as having increased the intensity of his racism. The individual told us that this incident had happened in Ethiopia and that it had not significantly affected his thinking. Despite his denial to us, it is possible that this incident was of some moment in the development of his thinking. As will become apparent, however, we see other influences as far more significant.

Figure 7: The individual's international travel

- Trip 1 – 15 April 2014 to 17 August 2017 (see chapter 3 of this Part)
- Trip 2 – 16 January 2018 to 31 January 2018 (see chapter 4 of this Part)
- Trip 3 – 30 May 2018 to 5 June 2018 (see chapter 4 of this Part)
- Trip 4 – 17 October 2018 to 28 December 2018 (see chapter 4 of this Part)







3.2 The individual's account of his mobilisation to violence

- 5 According to his manifesto, the individual's decision to engage in terrorism was largely a response to events that occurred and his own experiences in 2017, in particular:
- a) Dā'ish-inspired terrorist attacks in Europe, particularly the Stockholm attack on 7 April 2017 that killed five people, including eleven-year-old Ebba Åkerlund (whose name the individual painted on one of the firearms used in the terrorist attack);
 - b) the outcome of the 2017 presidential election in France, particularly Marine Le Pen's loss on 7 May 2017;⁴ and
 - c) the number of migrants he saw in French cities and towns during his visit between 1 April 2017 and 1 May 2017.
- 6 His account suggests that his terrorist attack:
- a) was retaliation for Islamist extremist terrorist events in Europe;
 - b) followed his recognition of the inability of the far right to obtain a democratic mandate for addressing immigration; and
 - c) was influenced by nostalgia for a pre-immigration past.
- 7 Ideas of this sort are commonplace on the far right. We see his language as calculated to draw support, or at least sympathy, from those on the far right.
- 8 The events and experiences to which the individual referred may have been significant to him. But as will become apparent we are satisfied that by the beginning of 2017 – that is before these events and experiences discussed above – he had already formed the intention of carrying out a terrorist attack. Indeed, we see this account of his mobilisation to violence as an exercise in propaganda and there is more on this in chapter 4 of this Part.⁵

3.3 Our assessment of the timing of his mobilisation to violence

- 9 We think the individual's mobilisation to violence occurred earlier than the events to which he referred in his manifesto. Sharon Tarrant considers that the more the individual travelled the more racist he became. This sentiment was echoed by gaming friend. His sister recalls that when he returned to Australia for a month in June 2016, he was a changed person – he spoke regularly of politics, religion, culture, history and past wars, particularly those he had learned about during his travels.

⁴ Marine Le Pen is the President of the National Rally political party (previously named the National Front).

⁵ See the "Boiling the Frog" comment in chapter 4 of this Part.



- 10 After the terrorist attack, Sharon Tarrant told the Australian Federal Police that in early 2017, she felt the individual's racism was becoming more extreme. She remembered him talking about how the Western world was coming to an end because Muslim migrants were coming back into Europe and would out-breed Europeans. She began to have concerns for his mental health.
- 11 The narratives provided by the people we have just mentioned are supported by what we know of the individual's internet activity, donations to right-wing organisations, first contact with the Bruce Rifle Club and the timing of his travel bookings to come to New Zealand.
- 12 The individual was one of more than 120,000 followers of the United Patriots Front Facebook page. United Patriots Front was a far right group based in Australia. Between April 2016 and early 2017, the individual made approximately 30 comments on their Facebook page. At that time, the United Patriots Front was led by Blair Cottrell. Several of the posts made by the individual expressed support for Blair Cottrell. For example, when Donald Trump was elected President of the United States of America, the individual posted on Facebook "globalists and Marxists on suicide watch, patriots and nationalists triumphant – looking forward to Emperor Blair Cottrell coming soon".⁶ The individual also expressed support for Blair Cottrell on the True Blue Crew Facebook page. The True Blue Crew is another far right Australian group.
- 13 In one post to the United Patriots Front Facebook page, the individual threatened critics of Blair Cottrell by saying that "communists will get what communists get, I would love to be there holding one end of the rope when you get yours traitor".⁷ In August 2016, he sent comments via Facebook Messenger to an Australian critic of the United Patriots Front, which included "I hope one day you meet the rope."⁸ This threat was allegedly reported to Australian police but no action was taken. We see references to "the rope" as alluding to the "Day of the Rope" which features in *The Turner Diaries* and, as explained in Part 2, chapter 5, is sometimes used by those on the extreme right to refer to a race war.
- 14 Blair Cottrell told media he was aware of an AU\$50 donation to the United Patriots Front made by the individual.⁹ We have been unable to verify this donation.

⁶ Alex Mann "Christchurch shooting accused Brenton Tarrant supports Australian far-right figure Blair Cottrell" ABC (Australia, 23 March 2019) www.abc.net.au.

⁷ Alex Mann, footnote 6 above.

⁸ Graham Macklin "The Christchurch Attacks: Livestream Terror in the Viral Video Age" (2019) vol. 12 *Combating Terrorism Centre* at page 24.

⁹ Alex Mann, footnote 6 above.



- 15 The last time the individual was active on the United Patriots Facebook page was in January 2017. Following Facebook’s removal of the United Patriots Front Facebook page in May 2017, several former members of that group created a new far right group, called The Lads Society, which had club houses in Sydney and Melbourne. Thomas Sewell (a New Zealander based in Victoria, Australia and a founding member of The Lads Society) contacted the individual online and invited him to join.¹⁰ However, the individual declined this offer, citing his upcoming move to New Zealand.¹¹ He did, however, join a Facebook page created by The Lads Society and became an active member online. We will cover this in chapter 4 of this Part.
- 16 On 15 January 2017 and 17 January 2017, the individual made donations to right-wing organisations, Freedomain Radio (a podcast and YouTube channel created by Canadian Stefan Molyneux, who is prominent member of the far right) and the National Policy Institute (a white supremacist think tank and lobby group based in the United States of America).

Table 2: The individual’s donations to right-wing organisations in early 2017

Transaction date	Description as per bank statement	Currency	Amount
15 January 2017	PayPal: Freedomain Radio	AUD	\$138.89
17 January 2017	PayPal: National Policy Institute	AUD	\$138.06

- 17 On 21 January 2017, the individual emailed the Bruce Rifle Club enquiring whether the Club was still open. During the communications that followed, he said that he was “not in the area” but was looking to “move down that way sometime in August”.

¹⁰ Patrick Begley “Threats from white extremist group that ‘tried to recruit Tarrant’” *The Sydney Morning Herald* (Australia, 2 May 2019) www.smh.com.au.

¹¹ Patrick Begley, footnote 10 above.



Date: 21 January 2017
From: [The individual]
To: Bruce Rifle Club

Hey there, just wondering if the Bruce Rifle Club is still operating? And if so are they accepting new members?

Date: 21 January 2017
From: Bruce Rifle Club
To: [The individual]

Yep still going.

Date: 21 January 2017
From: [The individual]
To: Bruce Rifle Club

That's great news. I'm actually not in the area, just looking to move down that way sometime in August and was hoping there was a Rifle club I could join, happy to see you guys are still running. Hopefully will drop in sometime in August ...

- 18 When we asked the individual about this, he told us that he had developed an interest in firearms, and it was this interest that had prompted him to make contact with the Bruce Rifle Club. We do not accept his explanation. At this point, the individual's only experiences with firearms had been during his 2013 visit to New Zealand and, as he told us, at two overseas tourist attractions while travelling. As his actions after he arrived in Dunedin show, his only interest in firearms was to develop proficiency in their use to carry out a terrorist attack.
- 19 In February 2017, the individual booked flights to arrive in Auckland on 17 August 2017 and to fly from Auckland to Dunedin on 20 August 2017.



3.4 Evaluation of the significance of the individual's travel

- 20 The longest visit the individual made to any one country was to India where he stayed between 21 November 2015 and 18 February 2016. The countries that he visited for periods of about a month or more were:
- a) Thailand (22 May 2014–28 June 2014);
 - b) Vietnam (22 July 2014–22 August 2014);
 - c) China (3 September 2014–8 September 2014; 18 September 2014–17 October 2014; 29 December 2014–28 January 2015; 2 March 2015–31 March 2015; 20 May 2015–18 June 2015; and 8 October 2015–29 October 2015);
 - d) South Korea (17 October 2014–13 November 2014);
 - e) Myanmar (1 December 2014–29 December 2014);
 - f) the Philippines (28 January 2015–2 March 2015);
 - g) Japan (31 March 2015–2 May 2015);
 - h) Georgia (12 July 2015–19 August 2015); and
 - i) Russia (8 September 2015–8 October 2015).
- 21 Of the countries that made up the former Yugoslavia, he visited:
- a) Slovenia (18 April 2016–4 May 2016);
 - b) Croatia (25 December–28 December 2016 and 3–31 January 2017);
 - c) Serbia (28–30 December 2016);
 - d) Montenegro (30 December 2016–2 January 2017); and
 - e) Bosnia and Herzegovina (2 January–3 January 2017).
- 22 The individual was thus in Croatia, Serbia, Montenegro and Bosnia and Herzegovina between 25 December 2016 to 31 January 2017. It was during this time that he wrote to the Bruce Rifle Club, which we see as the first tangible indications of his mobilisation to violence.



- 23 The individual's presence from late December 2016 to late January 2017 in the areas in which wars associated with the breakup of the former Yugoslavia had taken place may have been related to his decision to write to the Bruce Rifle Club in January 2017. But, as we have noted, there is no evidence of the individual engaging in training in his travels. Given the limited periods of time he stayed in the countries he visited, there would not have been much opportunity to do so. This is particularly so given the individual travelled between cities and towns in each of the countries. Nor is there evidence of the individual meeting up with right-wing extremists. As well, most of the countries in which the individual spent substantial periods of time have no association with right-wing extremism.
- 24 In the aftermath of the terrorist attack of 15 March 2019, the New Zealand Security Intelligence Service received a substantial number of reports from international partners in relation to the individual, which we have reviewed. On the basis of the material that we have seen, it is likely that the individual occasionally shared some of his political views and interests with those he met during this travels. It is also at least possible that he visited some places because of their association with historical events in which he was interested. But more significantly, based on the information we have seen, there is no suggestion that the individual received training or met with known right-wing extremists.
- 25 Against this background, we see the primary significance of the individual's travel as being that it provided the setting in which his mobilisation to violence occurred rather than its cause. It may be that the individual's experiences while travelling had some role to play in his mobilisation to violence. But of far more materiality was his immersion during this period in the literature, and probably the online forums, of the far right and the social isolation of his solo travel. And, as will be apparent, we do not accept the individual's account of when and why he decided to engage in terrorism – an account that we see as propaganda.
- 26 We see the individual's travel between 2014 and 2017 as largely a function of his circumstances and personality. He had the money to travel and no employment, personal relationships or other purpose in life that precluded it. The purpose of the travel was not to meet up with extreme right-wing people or groups or engage in training activities or reconnaissance of possible targets. Put simply, he travelled widely because he could and had nothing better to do.

4.1 Overview

- 1 We are satisfied that by the time the individual arrived in New Zealand in August 2017 he intended to commit a terrorist attack. This was the primary focus of his life in New Zealand. It involved, amongst other things, equipping himself with weapons, developing firearms expertise, bulking up at a gym, identifying targets and planning.
- 2 In the next chapter we discuss in detail his preparation and planning. In this chapter we seek to provide context for what is to come, discussing those of his activities that were not focused on preparations for a terrorist attack. We address his arrival in New Zealand and taking up residence in Dunedin, his finances, associations with others, international travel from New Zealand, internet activity and donations to overseas right-wing organisations and individuals.

4.2 Arrival in New Zealand and taking up residence in Dunedin

- 3 The individual flew into New Zealand on 17 August 2017. As an Australian citizen, he was eligible for, and was granted, a resident visa on arrival in New Zealand. This is discussed in more detail in Part 8, chapter 8.
- 4 On arrival at Auckland International Airport, the individual was picked up by gaming friend and their parent. They drove him to their home in Waikato where he stayed for three nights before flying to Dunedin on 20 August 2017. Gaming friend said that, during this visit, they took the individual to the same shooting club that they visited in 2013. There is no record of the individual attending the shooting club in August 2017. However, gaming friend and their parent are recorded as attending the shooting club on 18 and 19 August 2017. Given the individual was staying with gaming friend and their parent during this time, and the evidence of gaming friend, we think it is likely that the individual attended the shooting club in August 2017.
- 5 The individual told friends and family that he chose to live in Dunedin because of its climate, Scottish heritage and low levels of immigration. He told us that he was also interested in the architecture. He rented a flat at 112 Somerville Street, Dunedin and started living there on 24 August 2017. Except for three trips overseas, he lived there until 15 March 2019.
- 6 The Somerville Street flat was very bare. There was a main bedroom, a second bedroom with a computer, desk and chair and a lounge with only a bed to sit on.

4.3 Finances

- 7 When the individual arrived in New Zealand, he had several bank accounts with the Commonwealth Bank of Australia. These accounts held a large proportion of the individual's funds.



- 8 After arriving in New Zealand, the individual opened two bank accounts with ANZ Bank (Australian and New Zealand Banking Group) on 23 August 2017 and obtained a debit card. He primarily used one of his accounts with the Commonwealth Bank of Australia and one of his ANZ Bank accounts to pay for expenses in New Zealand. When paying for expenses using his ANZ Bank account, the individual would transfer money from his Commonwealth Bank of Australia accounts into his ANZ Bank account. The total amount credited to his ANZ Bank account between 23 August 2017 and 15 March 2019 was \$57,018.03. These transfers were not likely to, and did not, give rise to any suspicious transaction reporting by ANZ Bank.
- 9 In addition, the individual and Lauren Tarrant had purchased a rental property on 13 January 2017 in New South Wales. The individual received payments from Lauren Tarrant between March 2017 and March 2019, which represented his share of the rent from the jointly owned property.
- 10 Throughout the time he lived in Dunedin, the individual's living expenses and preparation for the terrorist attack were entirely funded from the money he received from his father and income from investments made with that money, including the rental property. We provide more detail on this later in this Part.
- 11 The individual gave no concrete indication to anyone of what he would do when the money ran out beyond indicating to his sister that he might kill himself and later telling family members and gaming friend that he would go to the Ukraine to live. We have seen no indication that the individual gave serious thought to working for a living.
- 12 As will become apparent from the individual's planning documents, his dwindling financial reserves influenced the timing of his terrorist attack.

4.4 Associations with others

- 13 The individual's social interactions in Dunedin were limited. He had only routine dealings with his landlord and property manager and little contact with neighbours. His interactions with people he met at shooting clubs and the gym were superficial. There were also one-off transactional exchanges with people when buying and selling items online.
- 14 His association with gaming friend continued. Gaming friend described to us their friendship with the individual as being "mainly online friends" and referred to him as "just a friend", not a good friend. They would be in touch through online gaming up to three times a week but there were lengthy periods of time (of up to seven or eight months) when there was no contact at all. As noted, the individual stayed with gaming friend and their family for three nights when he first arrived in New Zealand in August 2017 and, as well, in January 2018, the individual and gaming friend travelled to Japan together for two weeks. This was the full extent of their face-to-face engagement during this period.



- 15 The individual remained in touch, to a limited extent, with school friend one. In their statement to the Australian Federal Police, school friend one said that from late 2017 onwards they did not hear from the individual for long periods of time.
- 16 School friend two was living in Japan in early 2018 and, as we will explain, the individual met up with them there in January 2018. This was the last time they met, despite school friend two moving to Queenstown, New Zealand later in 2018. It takes less than four hours to drive from Dunedin to Queenstown but neither took the time to meet up.
- 17 The individual remained in contact with his mother and sister. He visited them in Australia and his mother visited him in Dunedin. Her visit warrants brief discussion. By the time of her visit (late December 2018 and early January 2019) the individual was starting to finalise his plan to carry out a terrorist attack and he was fixated on what lay ahead.
- 18 On 24 December 2018, Sharon Tarrant and her current partner, who is of Indian ethnicity, flew to New Zealand for a holiday in the North Island. They changed their travel plans so that they could see the individual in Dunedin from 31 December 2018 to 3 January 2019. During their visit, the individual took his mother and her partner sightseeing in and around Dunedin and to Milford Sound, Te Anau and Invercargill. He also took them to the Otago Shooting Sports Rifle and Pistol Club (which we discuss in more detail below), but they could not access the range as the individual was unable to unlock the gate.
- 19 Interactions between the individual and Sharon Tarrant and her partner were awkward and at times tense. Illustrative of this is an incident on 2 January 2019, when Sharon Tarrant and her partner took the individual out for breakfast. They went into one café, but soon left after the individual refused to spend money in “migrant cafés”. He told his mother he wanted his money going to “white New Zealanders”. They all had to find somewhere else to eat. Afterwards, they drove back to the individual’s flat in silence.
- 20 The individual told his mother he would not renew the lease on his flat and wanted to sell his belongings and move to the Ukraine. That was the last time Sharon Tarrant and her partner saw the individual before the terrorist attack.
- 21 Sharon Tarrant later told Australian Federal Police that when she left New Zealand, she felt “petrified” about the individual’s mental health and increasingly racist views. She felt he had no friends and had isolated himself in a small, empty flat. She said that she was so worried that the night she left the individual, she searched online for information about white supremacy groups in Ukraine. She said that she emailed the individual an article about extreme right-wing groups in Ukraine that groomed young men like him and pleaded for him to come home to Australia. He never responded.



4.5 International travel from New Zealand

- 22 Between 16 January 2018 and 15 March 2019, the individual left New Zealand three times to travel overseas. These three trips are detailed in the table below and also shown on a world map in chapter 3 of this Part.

Table 3: The individual's international travel from New Zealand 2018–2019

Country visited	Arrived	Departed
Trip 1		
Hong Kong (transit)	16 January 2018	16 January 2018
Japan	17 January 2018	30 January 2018
Hong Kong (transit)	30 January 2018	31 January 2018
Trip 2		
Australia	30 May 2018	5 June 2018
Trip 3		
Australia (transit)	17 October 2018	17 October 2018
United Arab Emirates (transit)	18 October 2018	18 October 2018
India (transit)	18 October 2018	18 October 2018
Pakistan	18 October 2018	8 November 2018
United Arab Emirates (transit)	8 November 2018	9 November 2018
Austria (transit)	9 November 2018	9 November 2018
Bulgaria	9 November 2018	15 November 2018
Romania	15 November 2018	26 November 2018
Hungary (transit)	26 November 2018	26 November 2018
Austria	26 November 2018	4 December 2018
Estonia	4 December 2018	5 December 2018
Latvia	5 December 2018	8 December 2018



Country visited	Arrived	Departed
Estonia	8 December 2018	10 December 2018
Lithuania	11 December 2018	13 December 2018
Poland	13 December 2018	22 December 2018
United Arab Emirates (transit)	22 December 2018	23 December 2018
Australia	23 December 2018	28 December 2018

- 23 The individual's trip to Japan in January 2018 was with gaming friend. According to gaming friend, this holiday involved ordinary tourist activities, such as sightseeing. One night they went out drinking with school friend two, who was working in Tokyo at the time.
- 24 The individual's trip home to Australia in May 2018 was for his sister's 30th birthday. The individual's mother described him as being very tense during this visit and unable to relax at the family gathering.
- 25 The third trip was between 17 October 2018 and 28 December 2018. The individual spent the last five days of this trip in Australia. During this time, the individual told his sister and her partner that he wanted to move to Ukraine as he thought it would be cheaper to live there and Dunedin was too multicultural. He also met school friend one at a local gym for a workout. School friend one described this meeting as unremarkable.
- 26 There is one curious feature of the third trip, which we discuss in chapter 6 of this Part. Aside from this feature, the international trips taken from New Zealand between January 2018 and December 2018 are not particularly material to our inquiry.

4.6 Internet activity

Attempts to minimise digital footprint

- 27 The individual took a number of steps intended to minimise his digital footprint so as to reduce the chances of relevant Public sector agencies, following the terrorist attack, being able to obtain a full understanding of his internet activity. For example, the individual removed the hard drive from his computer and this has not been located. He also tried to delete emails.



Facebook

- 28 Although he became a Facebook member in 2013, the individual's history on Facebook is erratic. From time to time he deleted data and removed Facebook friends. And for six months in 2018 he did not post at all.
- 29 The individual's use of his own Facebook page was intermittent, but he occasionally used it to post far right material. Gaming friend also said that the individual had a number of Facebook accounts over the last few years, randomly closing one down and creating a new one. In one Facebook conversation with three Facebook friends, he included a link to an 8chan board, but the link cannot be recreated.
- 30 In 2017, the individual joined The Lads Society's Facebook group, having changed his username to "Barry Harry Tarry". Later, he joined The Lads Society Season Two Facebook page, which was a private group. He made his first post on 19 September 2017. He was an active contributor, posting on topics related to issues occurring in Europe, New Zealand and his own life, far right memes, media articles, YouTube links (many of which have since been removed for breaching YouTube's content agreements) and posts about people who were either for or against his views. He also encouraged others to donate to Martin Sellner, a far right Austrian politician. Two sets of comments warrant particular mention.
- 31 In early February 2018, the individual (under the Barry Harry Tarry username) engaged in online discussion with members of The Lads Society Season Two Facebook group about *Mein Kampf*.¹² In particular, they discussed Hitler's suggestion that grievance should be the focus of propaganda, "galvanising" those who see themselves as persecuted and "drawing in new sympathisers". The individual commented:

Agreed, it is far better to be the oppressed than the oppressor, the defender than the attacker and the political victim rather than the political attacker. Though 1920's Germany was a very different time to now and we face a very different enemy. Our greatest threat is the non-violent, high fertility, high social cohesion immigrants. They will boil the frogs slowly and by the time our people have enough galvanising force to commit the political and social change necessary for survival, the demographics in my opinion will have shifted so harshly that we would likely never recover.

...

¹² *Mein Kampf* was written by Nazi Party leader Adolf Hitler in 1925.



What I am saying is that we can't be a violent group, not now. But without violence I am not certain if there will be any victory possible at all.

- 32 “Boil the frogs” is a metaphor, the premise of which is that if a frog is put into boiling water it will jump out, but if placed into tepid water that is then brought to the boil slowly, it will not perceive the danger or change in circumstances, despite being boiled alive. For other members of The Lads Society Season Two, it would have been clear that the individual was referring to Muslim migrants when speaking of immigrants and what he said aligns with his manifesto, *The Great Replacement*. The assertion that “we can't be a violent group” was made around the same time as the first of the planning documents discussed in the next chapter was created, a document that evidences a clear intention to carry out a terrorist attack.
- 33 As we set out in Part 2, chapter 5, those who subscribe to extreme right-wing ideologies often “tone down” their language to avoid endorsing violence but, at the same time, use divisive rhetoric towards different ethnic or religious groups. We see the language used by the individual in the posts as consistent with that used by those on the extreme right-wing. In addition, ethno-nationalists often implicitly support violence within closed groups. Having identified the apparent problem of Muslim immigration rates, but offering no democratic solution, we consider the post by the individual was an implied call to violence and, in this way, another illustration of his ethno-nationalist beliefs.
- 34 On 12 February 2018, the individual, still using the Barry Harry Tarry username, made several posts to The Lads Society Season Two Facebook page. Some we do not reproduce here, because they contain references to particular individuals and publishing them would give rise to privacy and safety concerns that cannot be practically mitigated by redaction. The drift of what he had to say however, emerges clearly enough from the comments that follow:

Across the road from my gym is an Islamic boarding school. It's name is ... To date I have just been using it as a source of rage for my lifts. Today I found out that this Islamic boarding school that sits in my area was once [a catholic] school. This is what happens as a society when you fail to have children then import the children of others to replace them.

...



Otago Muslim Association [official] was both surprised and delighted by the announcement. “I’m very, very pleased. It will be a great asset for the Muslim community in Dunedin, as well as New Zealand.” What in the fifty fires of fuck have I stumbled upon here? A ... muslim bankrolling an Islamic learning school in New Zealand? This dude is No.1 on the prank list.

...

“a non-profit school under charitable status” ... This is getting backed by tax payers money for sure. Absolutely sickening

...

Another bankroller was University of Otago [staff member] and member of the Dunedin Muslim community. The local university students are being taught ... by a devout Muslim Jesus fucking christ.

Then, after comments from others about Muslim schools:

Though I must say, it is far better to have separate schools and it ensures they are always seen as outsiders, and there is no intermixing of cultures or races. Them having seperate schools is something we should support. Plus it makes them all gather in one place....JK JK JK

- 35 In this context, “JK” stands for “just kidding” but is often used ironically (that is by someone who in fact is not “just kidding”). In this instance, the individual was not “just kidding”. We know this because he had already completed a planning document that envisaged mass murder, as we discuss below.
- 36 When we put these comments to the individual, he acknowledged that the expression, “No. 1 on the prank list” could be seen as a threat of harm. We note that the 15 March 2019 terrorist attack is sometimes referred to on far right forums as “the mosque prank”. Consistently with



what seemed to be a general reluctance on his part to acknowledge lapses of operational security, the individual did not accept that his comments would have been of concern to counter-terrorism agencies. He thought this because of the very large number of similar comments that can be found on the internet. Later in the interview, however, he said that these were the worst of the comments he had posted. We return to discuss this issue in *Part 7: Detecting a potential terrorist*.

- 37 On 9 April 2018, the individual left The Lads Society Season Two Facebook group. Six days later he deleted 134 Facebook friends, including those made through The Lads Society, such as Thomas Sewell. For the next six months the individual did not use his Facebook account. When he did return to Facebook it was in a careful and measured manner. He denied to us that his April 2018 departure from the group may have been as a result of concerns about the February 2018 comments, claiming that it was instead due to his social anxiety.
- 38 He used Facebook Messenger to keep in touch with his family and Facebook friends, and later on as a method of contacting people to whom he had sold goods online.
- 39 He reprimanded his mother for using the term “neo-Nazi” in Facebook Messenger when she commented on his shaved hair and rhetoric. His mother understood that he was not offended at being called a “neo-Nazi”, but rather was worried that her use of the term on a popular messaging platform would be detected. Similarly, in a conversation with his sister on Facebook, the individual expressed concerns about the Australian Security Intelligence Organisation tracking him and asked her to change names on banking details to anonymise transactions relating to him. When we interviewed him, he said that there was an element of play-acting in all of this and that it is common for those on the far right to pretend to believe that they are under surveillance. This explanation exemplifies the problem identified in Part 2, chapter 5 – that is, the difficulty in distinguishing between what is ironic and what is meant literally. We are inclined to see these incidents as evidence of his genuine concern about operational security.

Other internet activity

- 40 In a gaming site chat room that gaming friend participated in, the individual posted numerous links to Reddit posts, Wikipedia pages and YouTube videos. According to gaming friend these posts were far right in nature. The links have since been deleted.
- 41 On 17 October 2017, the individual set up a Trade Me account, which he used to purchase and sell items, including some of his firearms magazines and some firearms equipment (such as gun slings). The only point of interest in relation to his use of this account is his username “Kiwi14words”. This is a reference to a white supremacist 14-word slogan, “We must secure the existence of our people and a future for white children”. This username did not apparently attract attention.



- 42 The individual contributed to the NZ Hunting and Shooting online forum. Most of the posts he made related to the sale of firearms and firearms equipment. Although his exchanges with others on this forum were at times testy, they are not material to our inquiry.
- 43 The individual used the internet to buy far right books, ebooks, publications and accessories to send to his family, such as a “black sun” patch and a Celtic knot necklace with symbols used by white supremacist groups. The books purchased were *Fascism: 100 Questions Asked and Answered* by Oswald Mosley, *The Decline of the West* by Oswald Spengler and *A Short History of Decay* by E M Cioran. These books were delivered to Lauren Tarrant for her partner (the first listed book) and Sharon Tarrant (the second and third books), possibly to introduce them to his beliefs. Right-wing publications were also delivered to Lauren Tarrant’s house in the two years preceding the terrorist attack.
- 44 A copy of the manifesto written by the Oslo terrorist, a list of the individual’s accounts and passwords and deleted firearms videos that had been downloaded from the internet were on the SD card from the individual’s drone. As we will shortly explain, the individual used this drone to fly over Masjid an-Nur for reconnaissance. We will discuss the possible significance of the firearms videos in *Part 6: What Public sector agencies knew about the terrorist*.
- 45 The individual told us that he had accessed the dark web to make purchases. We know that he had used Virtual Private Networks (VPNs) when travelling and he told us that he was familiar with Tor browsers and was thus capable of interacting on the internet in ways that would make him difficult to trace. He was also familiar with how to encrypt emails.
- 46 The individual claimed that he was not a frequent commenter on extreme right-wing sites and that YouTube was, for him, a far more significant source of information and inspiration. Although he did frequent extreme right-wing discussion boards such as those on 4chan and 8chan, the evidence we have seen is indicative of more substantial use of YouTube and is therefore consistent with what he told us.



4.7 Donations to overseas right-wing organisations and individuals

47 While living in New Zealand, the individual made at least another 14 donations to far right, anti-immigration groups and individuals. Some of these donations were made directly from the individual's Australian bank account through PayPal and totalled AU\$6,305.78. We are also aware of five donations made by the individual using Bitcoin. The largest Bitcoin donation was made on 14 January 2018 and was the equivalent of US\$1,377. We have provided a full list of the donations in the table below.

Table 4: The individual's donations to overseas right-wing organisations and individuals while in New Zealand

Transaction date	Description as per bank statement	Currency	Amount
15 September 2017	GENERATION IDENT	AUD	\$187.18
15 September 2017	TRS RADIO	AUD	\$131.02
15 September 2017	PayPal: Rebel News Network Ltd	AUD	\$106.68
15 September 2017	PayPal: SmashCM	AUD	\$177.43
16 September 2017	IMT FR7610278073010002130350147 GENERATIREFC259706626154 EUR	AUD	\$1,591.09
19 September 2017	GENERATION IDENT	AUD	\$187.36
20 September 2017	IMT FR13907000006276168621321 GENERATIREFC263707054998EUR	AUD	\$1,590.08
22 December 2017	BACK THE RIGHT	AUD	\$25.97
5 January 2018	MARTIN SELLNER MITU	AUD	\$2,308.97
14 January 2018	Daily Stormer	Bitcoin	0.100
12 February 2018	Daily Stormer	Bitcoin	0.00865585
12 February 2018	Daily Stormer	Bitcoin	0.03
20 April 2018	Identity Movement – Germany	Bitcoin	0.00121292
20 April 2018	Identity Movement – Germany	Bitcoin	0.00529139

48 As will be apparent, there were multiple donations to the French branch of Generation Identity – Génération Identitaire (see Part 2, chapter 5), a European far right movement, and also a donation directly to Identitarian Movement Austria's leader, Martin Sellner.¹³

¹³ Génération Identitaire refunded the individual AU\$1,340.19 on 20 September 2017. Génération Identitaire did not provide financial support to the individual as this was a repayment of the 16 September 2017 donation. The individual then made a second donation on 20 September 2017 of almost the same amount as the 16 September 2017 donation.



- 49 Following the individual's donation to Martin Sellner they exchanged several emails in January 2018. The relevant emails have been provided to us by Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, the Austrian domestic intelligence agency. We set out some of the emails below:

Date: 6 January 2018
From: [The individual]
To: Martin Sellner

It's a small amount to give in relation to the large amount of work you do. I only wish I could give more. I'm sure you already know, but I just wanted to tell you personally you have support from people all over the globe and there are millions that are relying on you and trust you to fight for their values. Keep up the great work, it will be a long road to victory but with every day our people are growing stronger. Have a great new year, god bless you and god bless Europe.

Date: 9 January 2018
From: Martin Sellner
To: [The individual]

Thank you that really gives me energy and motivation. (Just got my second Channel and my 5th bank striked down in 2018) If you ever come to Vienna we need to go for a café or a beer. ;)

Date: 10 January 2018
From: [The individual]
To: Martin Sellner

The same extends to you if you ever visit Australia or New Zealand, we have people in both countries that would happily have you stay in their homes if you ever visit. If you are coming to this part of the world at anytime in the near future you should contact Blair Cottrell ... or Tom Sewell ..., both are currently the leaders of a movement similar to yours that are establishing clubs and activism throughout most Australian capital cities. Keep fighting the good fight, [the individual].



- 50 We have no evidence that the individual met with either Blair Cottrell or Thomas Sewell (see chapter 3). In referring to Blair Cottrell and Thomas Sewell in the emails, the individual was not speaking on their behalf. Instead, it is likely that the individual referred to them in an attempt to impress Martin Sellner by implying that the individual knew them personally, when he did not.
- 51 The individual travelled to Austria and he was there on 9 November 2018 in transit and from 26 November 2018 to 4 December 2018. He told us that he did not meet Martin Sellner at those times and had not tried to do so. We are inclined to accept this denial. There is no evidence to suggest they did meet and by this stage we think it unlikely that the individual would have wished to do anything that might attract the attention of international intelligence and security agencies.
- 52 During our interview with him, the individual indicated he had donated to more organisations than those we have listed. It is distinctly possible therefore that he made donations of which we are not aware.



5.1 The influence of the Oslo terrorist

- 1 A copy of the Oslo terrorist's manifesto was found on the SD card associated with the individual's drone. There are a number of references to the Oslo terrorist in the individual's manifesto. The individual also discussed him when interviewed by New Zealand Police on the afternoon and evening of 15 March 2019. We see much of what the individual said about the Oslo terrorist in his manifesto and at interview as trolling and he accepted as much when we spoke to him. We do, however, consider that the individual was significantly influenced by the Oslo terrorist and there are two aspects of this that warrant discussion.
- 2 The first is that the Oslo terrorist's manifesto and his actions provide considerable guidance for would-be extreme right-wing terrorists. To a very large extent, the individual's preparation was consistent with that guidance. This was evident in his joining a gym and bulking up with steroids, joining rifle clubs to gain firearms expertise, attempts at operational security generally, cleaning up electronic devices to try to limit what counter-terrorism agencies might discover after a terrorist attack and might detract from the "optics" of the exercise and the preparation of a manifesto to be released at the same time as the attack. In these respects, the guidance offered by the Oslo terrorist was largely operational in nature.
- 3 The second aspect of the influence of the Oslo terrorist on the individual's planning is more subtle and, indeed, odd. In his manifesto and at his trial, the Oslo terrorist claimed to have helped re-establish the Knights Templar and to be "Justiciar Knight Commander for Knights Templar Europe". The Knights Templar was a Christian military order founded in Jerusalem in 1119, which was active during the Crusades when there were military struggles between Christianity and Islam. The original Christian military order was suppressed in 1312. There are contemporary organisations that have adopted the name "Knights Templar". But there is no credible evidence to suggest that an organisation as described by the Oslo terrorist exists.
- 4 In his manifesto the individual claimed to have "taken true inspiration from Knight Justiciar [the Oslo terrorist]" and to have received a "blessing" from him "after contacting his brother knights". When interviewed by New Zealand Police on the afternoon and evening of 15 March 2019, the individual made similar claims and referred to the "reborn Knights Templar". So in this respect there is further commonality between the actions of the individual and those of the Oslo terrorist. There is also a particular aspect of the individual's conduct relating to this claim that we discuss in chapter 6 of this Part.

5.2 Obtaining a firearms licence

- 5 On 1 September 2017, just 15 days after arriving in New Zealand, the individual took the first step towards obtaining a firearms licence by paying the application fee. Four days later, he undertook and passed the required Firearms Safety Course.



- 6 He was required to provide two referees (one of whom had to be a near relative) who could speak to his suitability to possess firearms. The individual identified his sister Lauren Tarrant and gaming friend as his referees. New Zealand Police did not accept Lauren Tarrant as a referee because she could not be spoken to in person. In the end, gaming friend's parent was added as a referee.
- 7 On 4 October 2017, a Dunedin-based Vetting Officer visited the individual at his home, interviewed him and inspected his firearms storage facilities. The Vetting Officer's recommendation, based on that interview and inspection, was that the application should be approved. The individual's referees were interviewed by a different, Waikato-based Vetting Officer in their home on 30 October 2017 (gaming friend) and 2 November 2017 (gaming friend's parent). Neither of the two referees disclosed anything adverse about the individual.
- 8 The former Dunedin District Arms Officer approved the licence application on 16 November 2017. There is no record of when the licence was physically issued, but the individual would likely have received it via post approximately two weeks later. We know he had it by 4 December 2017 as this was the day he acquired his first firearm. We discuss the firearms licensing process in considerably more detail in *Part 5: The firearms licence*.

5.3 Firearms, ammunition and other equipment used in the terrorist attack

Firearms purchases

- 9 The details of the firearms that we know the individual purchased are provided in the table below. Although it is possible that the individual purchased additional firearms privately (as there was no requirement to keep records of private sales), we have seen no evidence to suggest such purchases. The firearms listed in the table were all purchased legally from New Zealand-based stores. The individual completed the required New Zealand Police mail order form¹⁴ for the firearms that he did not purchase in person, and these sales were all authorised by the former Dunedin District Arms Officer (or delegate).¹⁵ The mail order forms were collected to authorise the purchase of the firearms and, as we discuss below, ammunition and not for the purpose of keeping records of these purchases.

¹⁴ In relation to firearms and ammunition able to be purchased with a standard firearms licence, purchasers must fill out a New Zealand Police mail order form for any purchases they make online. They must send the form to their local District Arms Officer to authorise the sale. If the purchaser meets all of the requirements of the Arms Act 1983, the District Arms Officer will email the authorised form direct to the seller, who then finalises the sale.

¹⁵ There are some inconsistencies in the dates of purchase for these firearms. The dates provided in the table are the dates the payments were made. The individual may have placed the orders slightly earlier, but for online purchases, the sale is not confirmed until New Zealand Police have authorised it.



Table 5: The individual's firearms purchases 2017-2018

Description	Calibre	Seller	Cost	Date purchased	Later Sold
Tikka T3X Lite stainless/synthetic rifle	.308	Hunting & Fishing Dunedin – purchased in person	\$1,499.00	4 December 2017	✓
Windham Weaponry WW-15 semi-automatic rifle	.223	NZ Hunter Group Ltd – purchased online	\$1,799.90	5 December 2017	✗
Ranger 870 Magnum pump action shotgun	12 gauge	Gun City – purchased online	\$349.00	12 December 2017	✗
Norinco SKS semi-automatic rifle	7.62 x 39	Gun City – purchased online	\$499.00	12 December 2017	✓
Mossberg 930 SPX semi-automatic shotgun	12 gauge	Gun City Hamilton – purchased online	\$1,599.00	13 December 2017	✗
Ruger 10/22 semi-automatic rifle	.22 LR	Elio's Gun Shop Dunedin	\$695.00	15 December 2017	✓
Uberti lever action rifle	.357 magnum	Hayes & associates Ltd – purchased online	\$2,300.00	18 December 2017	✗
Mossberg MVP Predator bolt action rifle	.223	Gun City Dunedin – purchased on Trade Me, but collected in person	\$766.00	4 March 2018	✗
Ranger TAC-12 SYN semi-automatic shotgun	12 gauge pump action	Gun City Christchurch	\$999.00	19 March 2018	✓
Ruger AR-556 AR-15 semi-automatic assault rifle	.223	Reloader Supplies Ltd – purchased online	\$1,599.00	18 April 2018	✗



- 10 The individual later sold, via Trade Me, the Tikka T3X Lite stainless/synthetic rifle, Norinco SKS semi-automatic rifle, Ruger 10/22 semi-automatic rifle and Ranger TAC-12 SYN semi-automatic shotgun. He had the remaining six firearms with him on 15 March 2019. These were the Windham Weaponry WW-15 semi-automatic rifle, the Ranger pump action shotgun, the Mossberg semi-automatic shotgun, the Uberti lever action rifle, the Mossberg bolt action rifle and the Ruger semi-automatic assault rifle. We discuss below how some of these firearms were modified prior to the terrorist attack.
- 11 Prior to 15 March 2019, possession of military style semi-automatic firearms was restricted to those who had an E Endorsement on their firearms licences. The semi-automatic rifles owned by the individual were military style semi-automatic firearms (as defined by law) only if fitted with magazines capable of holding more than seven cartridges. But at the time of purchase none of them were fitted with large capacity magazines and thus were not military style semi-automatic firearms. Accordingly, the individual was able to buy these semi-automatic rifles despite not having an E Endorsement. We discuss this in some detail in *Part 5: The firearms licence*.

Magazines

- 12 The individual purchased online a range of magazines from New Zealand-based businesses. Some of the magazines were later sold by the individual to members of the NZ Hunting and Shooting online forum. We provide details of the magazines purchased by the individual that were used in the terrorist attack on 15 March 2019 in the following table.

Table 6: The individual's online purchases of magazines 2017-2018

Description	Date purchased	Seller	Cost
Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition	6 December 2017	Gun Supplies Ltd	\$109.95
Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition	26 December 2017	GUNSNZ Ltd	\$86.92
Magpul PMag D-60 Round assault rifle/M4 Gen Magazine .223 calibre ammunition	9 February 2018	GUNSNZ Ltd	\$434.74
5 x Magpul PMag 40 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition	9 February 2018 and 20 February 2018	GUNSNZ Ltd	\$749.98
2 x Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition	9 February 2018	CJA New Zealand Ltd	\$219.90



- 13 The individual also purchased magazine couplers, which he used on 15 March 2019. These allowed him to attach two magazines together to facilitate quick reloading.
- 14 All of these firearm magazines were legally purchased by the individual. Prior to 15 March 2019, there were no regulations in place restricting acquisition of magazines, meaning that anyone could legally purchase a magazine of any capacity instore or online, without having to produce a firearms licence or complete a New Zealand Police mail order form.
- 15 The individual did not have an E Endorsement. So, it was illegal for him to put a large capacity magazine into his semi-automatic rifles. He was, however, legally able to use large capacity magazines in his Mossberg MVP Predator bolt action rifle. He told us that, on occasion, he had used large capacity magazines with this rifle at the Bruce Rifle Club if no one else was around.

Modifications to firearms

- 16 The individual also purchased firearms components and used these to modify his firearms. The modifications included:
- a) adding sights to assist accuracy;
 - b) adding “buttstocks” to the semi-automatic firearms for better support;
 - c) adding a screw-in choke to the muzzle of a shotgun barrel, therefore reducing the spread of the pellets and improving the reach of the shot;
 - d) modifying the trigger (adding a super dynamic 3-gun model trigger mechanism) of a semi-automatic firearm, allowing for lighter trigger pressure and faster trigger resets when firing;
 - e) adding a muzzle brake to reduce recoil and therefore keep the firearm on target;
 - f) adding an ambidextrous charging handle to one of the semi-automatic firearms to make cocking the firearm easier;
 - g) adding a fore grip to the upper receiver of one of the semi-automatic firearms;
 - h) adding a bipod (an integral, adjustable front rest for use when firing) to the bolt action rifle to increase accuracy; and
 - i) adding a strobe light (a device used to produce regular flashes of light) to one of the semi-automatic firearms.
- 17 None of these modifications were illegal when the individual made them and several of those modifications are commonly made by firearms owners.



- 18 Community members asked us about these modifications and if the individual received assistance to make them. The modifications made to the weapons did not require technical firearms expertise. The New Zealand Police Armourer told us there are a number of online videos demonstrating how to modify the trigger as referred to above. Similarly, the New Zealand Police Armourer said fitting a muzzle brake is a “relatively simple task” and most muzzle brakes come with instructions to allow the purchaser to fit the item themselves.
- 19 When we asked the individual about the modifications he said that he thought some of them may have been made before he purchased the firearms in question but that he had personally completed all after-sale modifications, such as modifying the trigger mechanism, using the instructions that came on the packaging of the parts he bought or with guidance from videos online. We have seen no evidence to suggest that anyone assisted him to modify the firearms.

Ammunition

- 20 We do not know how much ammunition the individual purchased in total as most sellers do not keep records of the ammunition sold in store. We do know that on 24 March 2018, he spent \$1,358.00 at Gun City Dunedin on 2,000 rounds of .223 calibre Remington 55Gr SP.
- 21 In addition, we are aware of 11 ammunition purchases made online between 5 December 2017 and 12 July 2018. The details of these purchases are provided in the table below. The individual completed the required New Zealand Police mail order form for these purchases.



Table 7: The individual's online purchases of ammunition 2017-2018

Date purchased	Description	Number of rounds	Seller	Cost
5 December 2017	Winchester .308	1,000	Lock, Stock and Smoking Barrel	\$990.90
6 December 2017	12 gauge Rio 9 Ball Buckshot	250	Gun City	\$249.00
6 December 2017	12 gauge Imperial 9 Ball Buckshot	180	Gun City	\$199.00
11 December 2017	7.62 x 39 millimetre	1,320	Aoraki Ammunition Company	\$499.00
11 December 2017	Rem 55 grain full metal jacket	1,000	Aoraki Ammunition Company	\$649.00
11 December 2017	Tikka T3X PMC 308	1,000	Arsenal Limited	\$150.00
20 December 2017	Freedom Munitions .357 Magnum 158 grain flat point	1,000	Ammo Direct NZ	\$720.00
19 February 2018	.223 Federal Power-Shok Remington 64 grain soft point	400	Gun City	\$598.00
19 February 2018	Hornady 12 gauge shot gun cartridges	30	Gun City	\$89.97
12 July 2018	Perfecta .223 Rem 55 grain full metal jacket	1,000	Ammo Direct NZ	\$649.00
12 July 2018	Mossberg MVP, MP Sport II Belmont	1,000	Ordnance Developments	\$599.00



- 22 Some people who spoke to us expressed concern about the amounts of ammunition that the individual acquired. The individual told us that he did not regard his purchases as uncommon as firearms owners often buy in bulk. Other people, including the New Zealand Police Armourer and ammunition suppliers, told us that the amounts of ammunition bought by the individual were not unusual. In any event, his purchases did not give rise to any reporting of concerns by the sellers to New Zealand Police.

Configuration of firearms used in the terrorist attack

- 23 We have identified the firearms the individual had with him on 15 March 2019. As well, we have described his acquisition of ammunition and magazines, and the modifications he made to some of his firearms. Bringing this information together, the firearms used by the individual in the terrorist attack were configured, when first used, as follows:
- a) A Mossberg 930 semi-automatic 12-gauge shotgun with at least seven-shot magazine capacity, with capacity for one further shell in the breech. This firearm was fitted with a Bushnell “Red Dot” sight. The firearm contained nine “00 Buckshot” shells.
 - b) A Windham Weaponry WW-15 military style semi-automatic rifle fitted with a Magpul PMag D-60 magazine containing 60 rounds of ammunition. The sighting system on the rifle was a Sightmark Holographic sight. The trigger had been modified on, and the ambidextrous charging handle had been added to, this firearm. Other changes made were the addition of a buttstock, a muzzle brake and a fore grip.
 - c) A Ruger AR-15 .223 calibre military style semi-automatic rifle fitted with two Magpul PMag 40-round capacity magazines coupled together. The sighting system on the rifle was a VTX Strikefire “Red Dot” sight. The individual also attached the strobe light and a buttstock to this firearm.
 - d) A Ranger 870 pump action 12-gauge shotgun with a five-shot magazine capacity. The magazine contained four “00 Buckshot shells” with a fifth in the breech. The muzzle of the barrel was fitted with a screw-in choke.
 - e) An Uberti .357 Magnum lever action rifle with a tubular magazine with capacity to hold 13 rounds of .357 Magnum ammunition (12 in the magazine and one in the breech). The rifle was fitted with adjustable open sights.
 - f) A Mossberg Predator bolt action .223 calibre rifle which was fitted with a telescopic sight, a bipod and a Magpul PMag 30-round capacity magazine.



Incendiary devices

- 24 The four basic incendiary devices that the individual had in his car on 15 March 2019 were made by him. Those devices consisted of four, ten litre containers filled with petrol, with lighters and cans of accelerant (gun oil spray) duct-taped to their sides. The individual told New Zealand Police that he had intended to use the devices to set fire to the masjidain but had not done so. The materials used to make the devices can be easily purchased.
- 25 When we spoke to the individual's property manager, they recalled a chance meeting with the individual one day in January or February 2019 at a hardware store and noticed four petrol containers in his trolley. The individual said he was going hunting in a remote area with no petrol stations and needed to have enough fuel in reserve to make sure he could get back. It is likely these were the same petrol containers the individual had on the day of the terrorist attack.

Figure 8: An image of an incendiary device that was stored in the rear of the individual's vehicle during the terrorist attack



Photo of an incendiary device removed from the individual's car after the terrorist attack. The 10 litre container was filled with petrol and had lighters and a can of accelerant (gun oil spray) duct-taped to its side. (Source: New Zealand Police)



Other equipment for the purposes of the terrorist attack

- 26 The other equipment the individual used in the terrorist attack included the following:
- a) A 2005 Subaru outback vehicle purchased in Dunedin on 21 August 2017.
 - b) A military style tactical vest and tactical gloves purchased online in New Zealand in December 2017. The tactical vest enabled him to carry and have quick access to numerous magazines on his person.
 - c) Two ballistic vests. We have been unable to establish where and when the individual purchased the ballistic vests.
 - d) Body armour inserted into his two ballistic vests, likely comprised of two ballistic ceramic plates and two plastic boards that he purchased online in December 2017 and January 2019 respectively, from overseas. When we spoke to the individual, he confirmed that the plates and boards were body armour.
 - e) The GoPro camera, which he purchased online in February 2018, in New Zealand.
 - f) A bayonet knife and scabbard purchased from a New Zealand-based store in early 2018.
- 27 We have been unable to establish where and when the individual purchased his helmet. We have examined the helmet. It is of a kind used for airsoft sports and is easily obtained in New Zealand.

5.4 Developing expertise with firearms

Rifle club membership

- 28 The individual became a member of two rifle clubs:
- a) He became a member of the Otago Shooting Sports Rifle and Pistol Club on 14 February 2018, after attending a club shoot on 7 January 2018 as a visitor. He attended another shoot on 18 February 2018 but was not seen at a club shoot by members again. The weapons that could be used at this range were restricted, and high-powered hunting rifles and bottle-necked cartridge cases were not permitted. This meant that the range was of limited utility for his purposes. He occasionally went to the club alone as he could access the club using a combination code to unlock the gate (albeit that he was unable to do so in January 2019 when he took his mother and her partner there). Members did not have to record their use of the range outside of club shoots and therefore we do not know how many times he attended the Otago Shooting Sports Rifle and Pistol Club.
 - b) The individual also joined the Bruce Rifle Club on 26 February 2018, having completed probationary shoots. According to club records the individual shot there on 14 December 2017, 21 times in 2018 and a further five times in early 2019.



- 29 There was a suggestion that the individual may have also attended the Leith Valley Rifle Range. There are no records of him doing so.
- 30 Bruce Rifle Club members who were interviewed by New Zealand Police after the terrorist attack said that the individual was polite and courteous, worked hard during a working bee and did not talk much, if at all, about politics. They also said that he was not entirely familiar with the safety rules initially, but that he improved over time. These impressions were reinforced by three Bruce Rifle Club members who told us he was regular, normal and that nothing about him “jumped out” to them. They were not aware of any issues he had with any members of the Bruce Rifle Club.
- 31 Some differing views were expressed. One member of the Bruce Rifle Club described the individual as “a bit arrogant” but did not provide any specific examples of such behaviour. Another member described the individual as being aloof.
- 32 A few members of the Bruce Rifle Club said three aspects of the individual’s behaviour were slightly out of the ordinary and, with hindsight, may be significant:
- a) The individual usually shot while standing up. He went through a large amount of ammunition and his primary interests appeared to be firing at extremely fast rates and changing magazines quickly.
 - b) The individual displayed considerable interest in the military background of one of the members, an interest that made that member uncomfortable.
 - c) Sometimes the individual made remarks that were interpreted as indications that he had access to a large capacity magazine. According to two members, the individual was of the view that it was lawful for him to own a large capacity magazine, provided the magazine was not fitted to one of his semi-automatic rifles – a view that was arguably correct at the time, particularly as he had, from 4 March 2018, a bolt action rifle to which large capacity magazines could lawfully be fitted.¹⁷
- 33 When we spoke to him, the individual was very free in acknowledging what he saw as tactical errors in the execution of the terrorist attack but was less willing to accept that there had been any lapses in his operational security. Consistent with this, he claimed that the comments by club members about his shooting style were hindsight reconstructions and that a number of other shooters at the club would sometimes fire magazines quickly as “it was fun to do”. We are, however, left with the view that his shooting style was somewhat different from others at the club. This is unsurprising given his purpose in practising.

¹⁷ We say “arguably correct” as there is case law to the effect that possessing both a semi-automatic firearm and a large capacity magazine in circumstances that make it reasonable to believe that they have been used together is unlawful. See *Police v Bruce DC* Wellington CRN-5085022673, 30 May 1996.



Firearms accident

- 34 On 13 July 2018 the individual's right eye and thigh were injured in a firearms accident. He was treated at Dunedin Hospital's Emergency Department. The individual told the Emergency Department Registrar that the injury was caused by a round of ammunition exploding while he was cleaning a rifle barrel.
- 35 The Registrar treated the individual by removing a metal fragment from his right eye, giving him a tetanus vaccination, administering intravenous antibiotics and referring him for an x-ray of his right thigh. The Registrar consulted with the hospital's Orthopaedic Service, which advised leaving the metallic fragment in the individual's thigh as it was unlikely to cause any issues.
- 36 The Emergency Department Registrar also consulted with the hospital's Ophthalmology Service. The Ophthalmology Service carried out further testing, prescribed eye drops, antibiotics and paracetamol and made a follow-up appointment for the individual to attend the acute eye clinic on 23 July 2018. The Registrar who treated the individual in the Emergency Department did not notify New Zealand Police about the firearm accident.
- 37 While he was in hospital, the individual's landlord rang him about property maintenance issues. During this call, the individual explained that he had accidentally discharged a firearm while cleaning it in the lounge.
- 38 The individual was discharged from the Emergency Department approximately five and a half hours after he arrived. The following day, the landlord went to inspect the damage caused by the shot. The hole was around seven millimetres in diameter and the bullet was lodged in a wooden beam above the ceiling. The landlord fixed the hole.
- 39 At the individual's follow-up appointment with the Ophthalmology Service on 23 July 2018, the Ophthalmology Registrar found that his eye was healing well. The Registrar advised the individual that the service did not need to see the individual again unless he had any issues. We discuss whether the injury should have been referred to New Zealand Police in *Part 6: What Public sector agencies knew about the the terrorist*.
- 40 The individual told us that at the time of the accident he was concerned the shot might have been heard and reported to New Zealand Police. He said he ran through in his mind a scenario of what he would say if New Zealand Police officers arrived to question him. As it turned out the accident was not reported to New Zealand Police. He told us that he also weighed up whether he should seek medical treatment, but his concerns about his eyesight outweighed his reluctance to bring himself to official notice. So, he went to the Emergency Department but with a prepared explanation.



Distressing
Content



Section 15
orders

41 We discuss later the explanations that the individual gave for how the accident occurred.

Figure 9: Timeline of the individual’s firearms activities in New Zealand

Date	Event
17 August 2017	The individual arrived in Auckland, New Zealand.
20 August 2017	The individual moved to Dunedin, New Zealand.
1 September 2017	The individual paid the firearms application fee.
5 September 2017	The individual undertook and passed the Firearms Safety Course.
19 September 2017	The individual’s application was entered into New Zealand Police’s National Intelligence Application database.
4 October 2017	The individual was interviewed at his home by a Dunedin-based Vetting Officer.
30 October 2017	Gaming friend was interviewed at their home by a Waikato-based Vetting Officer.
2 November 2017	Gaming friend’s parent was interviewed at their home by the same Waikato-based Vetting Officer.
16 November 2017	The former District Arms Officer reviewed the individual’s complete firearms licence application and granted the individual a firearms licence.
4 December 2017	The individual purchased his first firearm – a Tikka T3X Lite stainless/synthetic rifle. This was later sold via Trade Me.
5 December 2017	The individual purchased a Windham Weaponry WW-15 semi automatic rifle.
12 December 2017	The individual purchased a Ranger 870 Magnum pump action shotgun and a Norinco SKS semi-automatic rifle. The individual later sold the Norinco SKS semi-automatic rifle via Trade Me.
13 December 2017	The individual purchased a Mossberg 930 SPX semi-automatic shotgun.
14 December 2017	The individual attended the Bruce Rifle Club for the first time.
15 December 2017	The individual purchased a Ruger 10/22 semi-automatic rifle. This was later sold via Trade Me.
18 December 2017	The individual purchased an Uberti lever action rifle.



Date	Event
7 January 2018	The individual attended the Otago Shooting Sports Rifle and Pistol Club for the first time.
14 February 2018	The individual became a member at the Otago Shooting Sports Rifle and Pistol Club.
18 February 2018	The individual attended a club shoot at the Otago Shooting Sports Rifle and Pistol Club.
25 February 2018	The individual attended the Bruce Rifle Club.
26 February 2018	The individual became a member at the Bruce Rifle Club.
4 March 2018	The individual purchased a Mossberg MVP Predator bolt action rifle.
11 March 2018	The individual attended the Bruce Rifle Club.
17 March 2018	The individual attended the Bruce Rifle Club.
19 March 2018	The individual purchased a Ranger TAC-12 SYN semi-automatic shotgun. This was later sold via Trade Me.
24 March 2018	The individual attended the Bruce Rifle Club.
25 March 2018	The individual attended the Bruce Rifle Club.
30 March 2018	The individual attended the Bruce Rifle Club.
14 April 2018	The individual attended the Bruce Rifle Club.
18 April 2018	The individual purchased a Ruger AR-556 AR-15 semi-automatic assault rifle.
22 April 2018	The individual attended the Bruce Rifle Club.
12 May 2018	The individual attended the Bruce Rifle Club.
16 June 2018	The individual attended the Bruce Rifle Club.
24 June 2018	The individual attended the Bruce Rifle Club.
8 July 2018	The individual attended the Bruce Rifle Club.
13 July 2018	The individual's right eye and thigh were injured in a firearms accident.
29 July 2018	The individual attended a working bee at the Bruce Rifle Club.



Date	Event
5 August 2018	The individual attended the Bruce Rifle Club.
18 August 2018	The individual attended the Bruce Rifle Club.
26 August 2018	The individual attended the Bruce Rifle Club.
1 September 2018	The individual attended the Bruce Rifle Club.
9 September 2018	The individual attended the Bruce Rifle Club.
15 September 2018	The individual attended the Bruce Rifle Club.
22 September 2018	The individual attended the Bruce Rifle Club.
6 October 2018	The individual attended the Bruce Rifle Club.
5 January 2019	The individual attended the Bruce Rifle Club.
20 January 2019	The individual attended the Bruce Rifle Club.
2 February 2019	The individual attended the Bruce Rifle Club.
16 February 2019	The individual attended the Bruce Rifle Club.
2 March 2019	The individual attended the Bruce Rifle Club.

5.5 Getting fit and bulking up

Gym membership

- 42 The individual went to a gym in Dunedin from October 2017 to October 2018. He worked out there three to four times a week, always alone. He occasionally talked to other members at the gym, offering advice about exercise form and technique, or discussing his overseas travel.
- 43 In October 2018, the individual went on his third overseas trip from New Zealand. He did not go back to the gym after his return to New Zealand in December 2018. He told us that by this point he was trying to avoid doing anything that might draw attention to himself. He did, however, continue to work out at home.



- 44 Most of the gym members and staff who were interviewed by New Zealand Police after the terrorist attack described the individual in favourable terms, for example as a “nice guy who liked to travel” and “generous and willing to help”. On the other hand, two members who themselves were friends, said that “there was something about [the individual] that felt off” and that he seemed like a “weirdo, but harmless”. Those same two members recalled the individual telling them once that he had shot himself while cleaning his firearm and thought he may have been using steroids based on a discussion the individual had with one of them.
- 45 One member of the gym interviewed by New Zealand Police after the terrorist attack said that they knew the individual as “Barry”. They said that this was how the individual had introduced himself. The gym member had no reason to doubt that the individual’s name was “Barry”, especially because this member was a friend of the individual on Facebook where his username was Barry Harry Tarry. We discuss the possible significance of this in *Part 7: Detecting a potential terrorist*.

Steroid use

- 46 On 18 December 2017, a doctor from the Dunedin South Medical Centre treated the individual for abdominal pain around the liver area. The individual told the doctor that he had been taking non-prescribed oral steroids and injecting testosterone. He said he had stopped taking the oral steroids on 10 December 2017 but was still injecting himself with testosterone two to three times a week.
- 47 The doctor said the individual presented with the “hallmarks of steroid overuse”, in particular that he was “moonfaced” (a reference to his then rounded face). The doctor warned the individual that taking the testosterone could have “long term consequences for his heart”. The doctor later told New Zealand Police that the testosterone the individual was using was “most likely [at] a dangerous level”. The doctor said that the individual felt that what he was doing was safe and he was cold and inflexible in his position.
- 48 The individual claimed to us that he had been using drugs that were similar to steroids and testosterone, a point to which we will return to in *Part 6: What Public sector agencies knew about the terrorist*.
- 49 The doctor referred the individual to Dunedin Hospital’s Endocrinology Service for treatment. On 20 December 2017, the Endocrinology Service sent a letter to the referring doctor with advice on potential treatment options and an offer to meet with the individual if needed. An appointment was not scheduled given the “pressure on clinics” at the time, and because the individual’s condition could be managed by his doctor.
- 50 New Zealand Police have not established the source of the individual’s supply of drugs, and did not find any during searches of his Dunedin flat or his car after the terrorist attack. Our inquiries indicate that the individual may have acquired steroids or similar drugs online.



- 51 Through his AliPay account, the individual bought 500 hypodermic needles, 300 syringes and 200 alcohol swabs on 8 February 2018 from a New Zealand-based medical supplies company. He had also purchased a smaller amount of each product from another New Zealand-based company on 29 September 2017. We think he likely used these needles, syringes and alcohol swabs to inject himself with testosterone.
- 52 We deal with whether the individual's steroid and testosterone use should have been referred to New Zealand Police in *Part 6: What Public sector agencies knew about the terrorist*.



6.1 Evidence on which we rely

- 1 Evidence of the individual's preparation for the terrorist attack comes from a variety of sources including what he told us directly, his interview with New Zealand Police on 15 March 2019, a series of emails he sent to himself, mobile phone location data, electronic information on the SD card of his drone and an external hard drive (both of which he had sent to his sister). We also reviewed social media activity shortly before the terrorist attack and the individual's manifesto. Some of these sources warrant brief discussion.
- 2 The individual used his email account to send notes to himself for future reference. Although he deleted his emails before the terrorist attack, a few were recovered. Some of the recovered emails record elements of his planning and preparation.
- 3 Before the terrorist attack the individual sent the drone and an external hard drive to Lauren Tarrant. The SD card located inside the drone and the external hard drive contained files relating to his planning and preparation. New Zealand Police were able to recover some text documents from the SD card and external hard drive that he had deleted. It is not entirely clear to us how and why some files came to be on the SD card, but the file structure suggests the card had been used in another device that may have been the source of the files. That he deleted the documents indicates he did not want them to be discovered after the terrorist attack. When we interviewed him, he confirmed that this was so.



6.2 Planning documents created in 2018

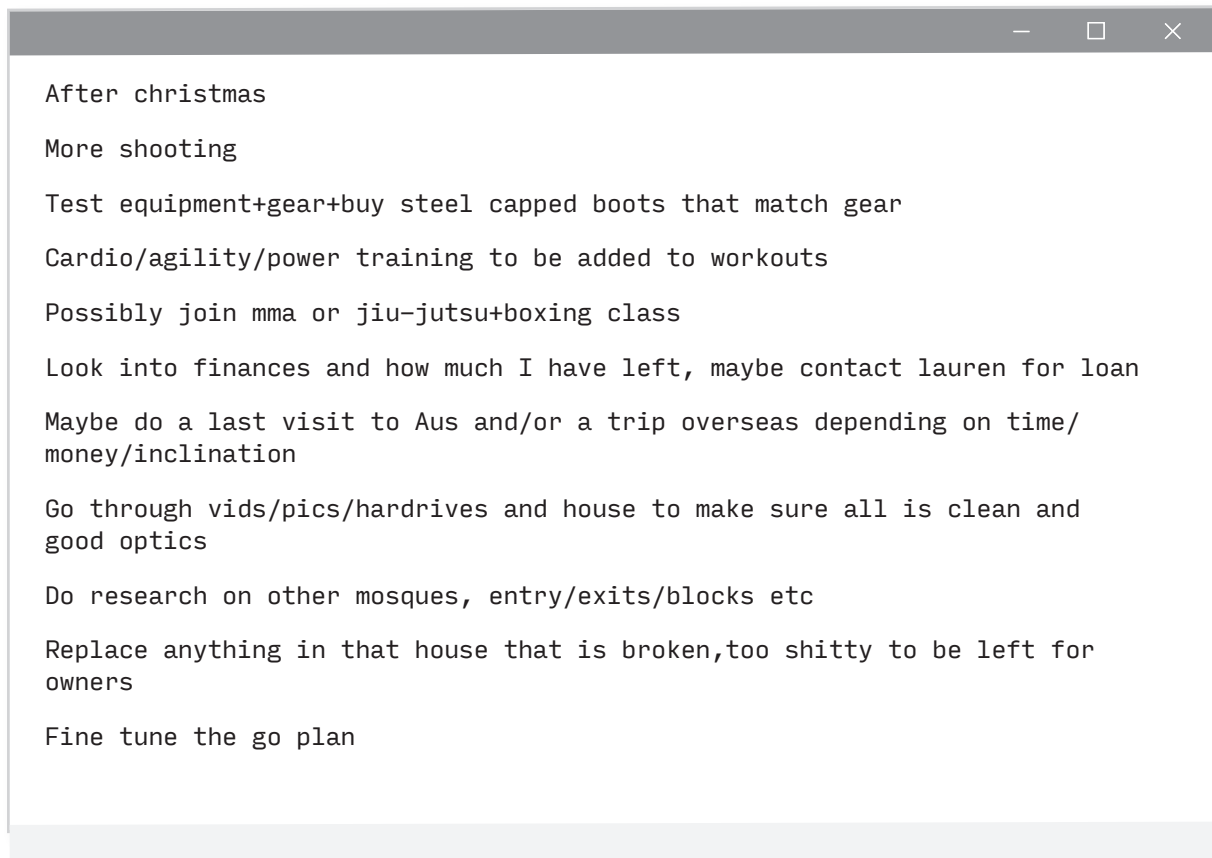
- 4 The first document we have seen that is indicative of a particular plan is a budget created on 9 February 2018. This was recovered from the SD card:

```
As of 07/02/2018 have 57395AUD minus 7500 for
travel to Pakistan and Europe meaning there is
49895 available for the 550 days.
90 dollars per day to live
635 dollars per week to live
2540 dollars per month to live
rent=1120 per month
Phone and internet is 149.96 per month
food is 480 per month
power is 80 per month
Fuel is 150 per month
Ammo is 380 per month
80 dollars per month for gym membership
Total=0 dollars left over for various
```

- 5 It is unclear whether the 550 days referred to in the budget was to run from 7 February 2018 or from 9 February 2018 (when the file was created). Either way, his money would run out in August 2019. We read the document as being consistent with an intention to carry out a terrorist attack around that time. This would have coincided with Eid al-Adha, the Muslim festival marking the end of the annual pilgrimage to Makkah (Mecca), which in 2019 was celebrated in early to mid-August. When we asked the individual about this, he confirmed that he had it in mind to launch an attack in Dunedin during this period because of the significance of the date in the Islamic calendar. This plan for a terrorist attack in August 2019 was abandoned for several reasons, one of which was that by at least early 2019 he was running out of money.



- 6 A file titled “to DO LIST” created on 18 July 2018 recovered from the SD card, held the following list:



- 7 This indicates that a plan was in place in general terms, but the reference to “other mosques” suggests that he had not yet finalised the locations of his terrorist attack. The “go plan” was not yet finalised. He told us that he had undertaken internet research on masjid in Australia, Europe and New Zealand, which included obtaining layout details. He ruled out a terrorist attack on a masjid in the United States of America. For practical and tactical reasons, he settled on the South Island as the appropriate location for his terrorist attack.
- 8 The individual did not ask Lauren Tarrant for a loan but did ask her to increase the frequency of her payment of his share of rent from their joint rental property.



- 9 On 20 December 2018, the individual sent the following email to himself:

Date: 20 December 2018, 5.01 am

From: [The individual]

To: [The individual]

kill an armed invader and [receive] a medal, kill an unarmed invader and receive a life sentence, but the invaders threat remains the same.

This seems to be a note to himself for a line of argument that is developed in his manifesto.

6.3 Laying a false trail – December 2018

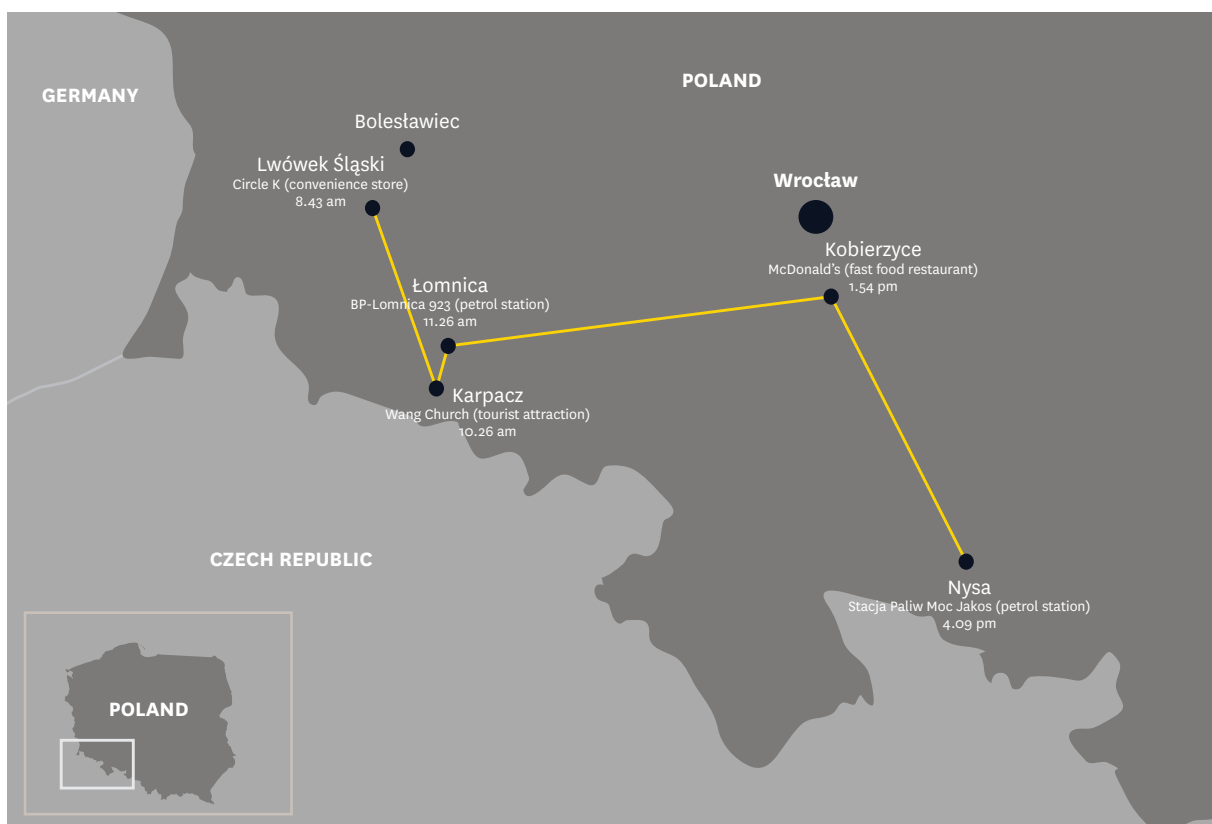
- 10 As we have noted, the individual claimed in his manifesto to have received a “blessing” from the Oslo terrorist (to whom he referred as “Knight Justiciar”) through his “brother knights” for his terrorist attack. And when interviewed by New Zealand Police, he referred to the “reborn Knights Templar”. Although the individual acknowledged to us that this claim was untrue, he had taken elaborate steps to make it seem believable.
- 11 After the terrorist attack, Sharon Tarrant told Australian Federal Police that the individual told her that he changed his travel plans to attend a rally in Poland in December 2018.
- 12 An organisation that calls itself the “Knights Templar Order International” (or sometimes Knights Templar International) had advertised a “Knighting Ceremony” to take place in Wrocław in Poland on 15 December 2018. This is an unusual organisation. The material it has placed online suggests that it is a marketing operation selling Knights Templar-themed products and conferring on those who buy sufficient products the title “Sir Knight”. Knights Templar Order International is plainly not the “reborn Knights Templar” promoted by the Oslo terrorist. But those who run the organisation have far right political views and in 2019 the organisation and one of its leaders were banned from Facebook for spreading hate.¹⁸

¹⁸ Martyn Landi “Facebook ban for Dowson in crackdown on hate speech” *Belfast Telegraph* (United Kingdom, 19 April 2019) www.belfasttelegraph.co.uk.



- 13 The individual was in Poland on 15 December 2018. He spent the night of 14 December 2018 at Bolesławiec. On 15 December 2018 he drove from Bolesławiec to Nysa. It is possible to partially reconstruct his day by reference to credit card transactions. The places and times of these transactions are set out in the figure below.

Figure 10: Known locations the individual visited in Poland on 15 December 2018



Kobierzyce is a village in the Wrocław county and is outside the city of Wrocław where the “Knighting Ceremony” was to take place.

- 14 There are a number of possible routes the individual could have taken and driving times would have been affected by traffic conditions. Based on the timing of the credit card transactions, the maximum amount of time he could have spent in Wrocław was between 44 minutes and one hour and 21 minutes. The period of time would be less if, for example, weather affected the driving conditions. This leaves very little time for him to have engaged with those at the Knights Templar International Order meeting and to receive a “blessing” for a prospective act of terrorism.



- 15 We were provided with information from Agencja Bezpieczeństw Wewnętrznych (ABW), Poland's domestic counter-intelligence agency, that supports our view that the individual did not attend the Knights Templar International meeting on 15 December 2018:

ABW confirm they have no evidence that the individual attended the Knights Templar International meeting on 15 December 2018 and they found no evidence to suggest links between the individual and extremist "circles" in Poland.

ABW advised [the Royal Commission] that they have no confirmation [the individual] participated in the meeting of Knights Templar International (KTI), which took place on 15 December 2018 near the city of Wrocław.

ABW confirmed that they had not obtained information that would suggest [the individual] contacted members of KTI while staying in Poland.

- 16 The Australian Security Intelligence Organisation also told us that it does not hold any information that the individual attended the Knights Templar International meeting:

[The Australian Security Intelligence Organisation] does not hold any information to suggest that the individual ... was ever in contact with the Knights Templar International (KTI).

[The Australian Security Intelligence Organisation] noted that the individual's reference in his manifesto to "Reborn Knights Templar" was possibly as a homage to [the Oslo terrorist].

- 17 When we asked the individual about the meeting at which he claimed to have received a "blessing" he said that, as we would know, it had not happened. He also said his references to the Oslo terrorist were just a "red herring" we "were supposed to follow" but not "eat the damn thing". We accept that aspect of what he told us and are satisfied that he did not attend the meeting.

- 18 The individual's conduct in relation to all of this is strange to say the least. Three months in advance of his terrorist attack, he went out of his way to create a trail of evidence in Poland. That trail of evidence provided support for what he later told his mother, put in his manifesto and told New Zealand Police. The purpose was to add apparent credibility to his otherwise not very plausible narrative that he had received international support for his planned attack and, consequently, prompt unnecessary official inquiry. That he went to such trouble to support what in the end was just an elaborate trolling exercise illustrates the extent of his preparation.



6.4 Hostile reconnaissance

- 19 On 8 January 2019 the individual drove to Christchurch via Ashburton. He sent an email to himself at 4.06 pm on 8 January 2019 noting an address on the other side of the road from the Ashburton Masjid. He confirmed to us that this was a reconnaissance exercise. Although there has been reporting after the terrorist attack of a drone having been flown in the vicinity of the Ashburton Masjid in early 2019, we have no evidence to link this with the individual.
- 20 Later that afternoon, the individual conducted surveillance of Masjid an-Nur in Deans Avenue, Christchurch. This included flying a drone over the building and recording an aerial view of the masjid grounds and buildings. The individual then flew the drone back over Masjid an-Nur focusing on the entry and exit doors, as well as the alleyway where he parked his car on 15 March 2019. This took place between 5.39 pm and 5.44 pm. In May 2019, a member of the public reported that they saw a small drone flying over the length of Masjid an-Nur in Deans Ave at approximately 5.45 pm on 8 January 2019. This person was not able to see who was flying it.
- 21 We asked the individual about his flying of the drone over Masjid an-Nur. The flight path of the drone shows that he had operated it from Hagley Park. He told us he had parked his car beside Hagley Park and used a remote control to fly the drone while he stood in the park. He played down the significance of the person who saw and remembered the flight. He also played down the likelihood of someone seeing what he was doing and recording the registration of his car, noting that drones are commonplace now and it was unlikely to be noticed. We saw this as another aspect of his reluctance to acknowledge lapses in his operational security.
- 22 The individual sent an email to himself at 5.58 pm. The email read:

Date: 8 January 2019, 5.58 pm

From: [The individual]

To: [The individual]

13 roughly 11mins, front door chnable glass window look into msq, side door, two ent most ppl park frnt.

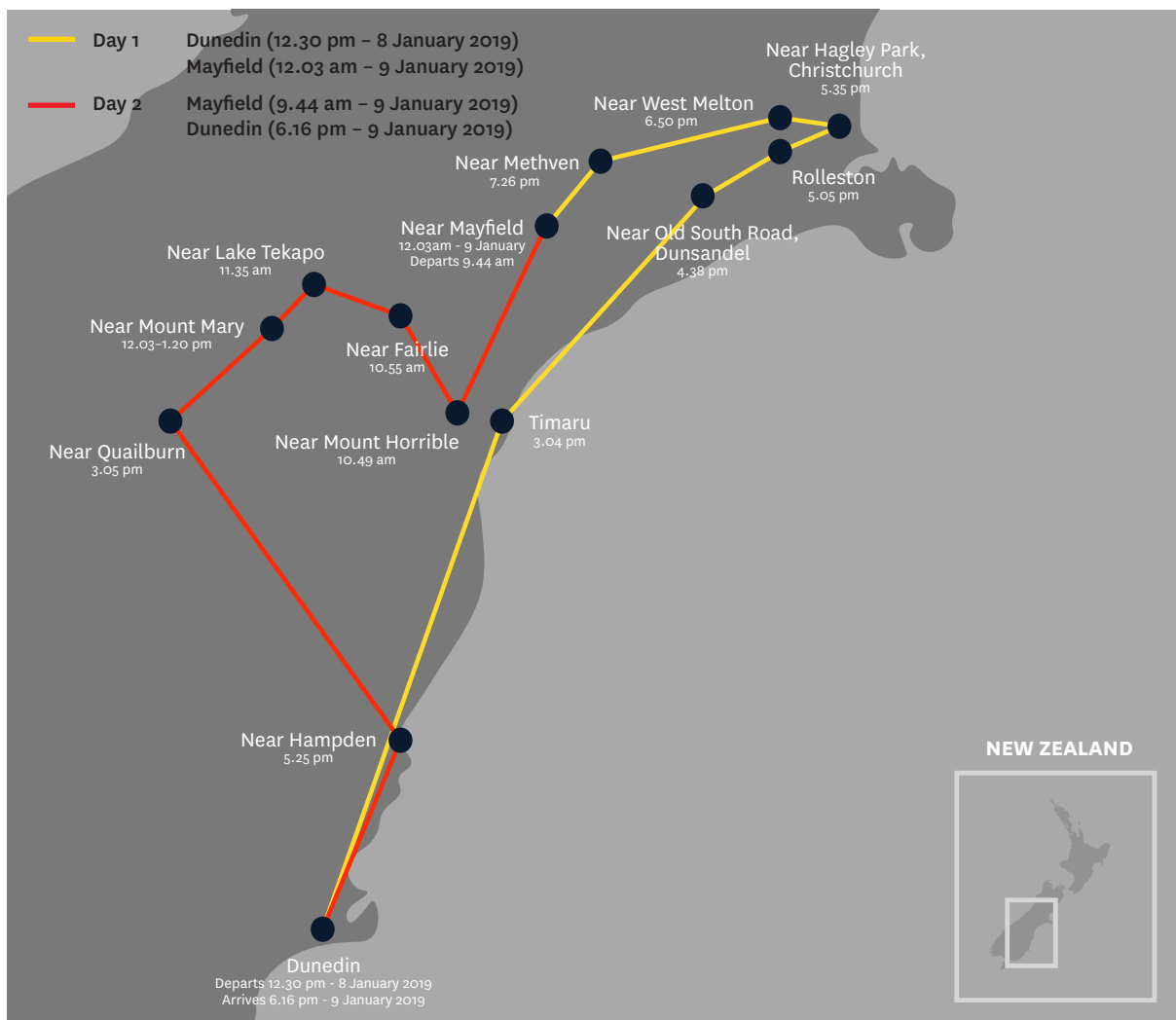
- 23 At 6.16 pm that evening, the individual sent a further email to himself noting that he should “gear up behind belgotex building”, which is on Leslie Hills Drive. This is where the individual intended to stop and carry out some aspects of his preparation on 15 March 2019. On 15 March 2019, the individual drove to the Belgotex building but because of the activity that was going on in the carpark at the time he went elsewhere to prepare.



24 The individual told us that on 8 January 2019, he also drove past the Linwood Islamic Centre and that this was also for reconnaissance. A combination of the mobile phone polling data and the timing of the drone flight leave him time to have carried out such reconnaissance. We are not able to electronically identify his locations at the times of the 5.58 pm and 6.16 pm emails. The opening comments “13 roughly 11mins” in the 5.58 pm email may refer to the drive time from Masjid an-Nur to the Linwood Islamic Centre, which is approximately 12 minutes. The timing and contents of the email are consistent with the individual having driven to the Linwood Islamic Centre after the drone flight. He would also have had time to be at Leslie Hills Drive at 6.16 pm when he sent himself a further email and from there to be at West Melton where his mobile phone polled at 6.50 pm.

25 We have set out below a map depicting the individual’s travel on 8–9 January 2019 to conduct reconnaissance on Ashburton Masjid, Masjid an-Nur and the Linwood Islamic Centre and returned to Dunedin.

Figure 11: A map depicting the individual’s travel on 8–9 January 2019



(Source: Mobile phone polling data)



- 26 On 11 January 2019, the individual went to the Masjid Al-Huda, Dunedin Islamic Centre. He told us it was his only visit. Following that visit, he sent emails to himself at 1.59 pm and 2.01 pm in these terms:

Date: 11 January 2019, 1.59 pm

From: [The individual]

To: [The individual]

Subject: lst arv dun mq

last arv 1.56pm, very fast exit, mass exit, b prepared for fast loud or fast quiet

Date: 11 January 2019, 2.01 pm

From: [The individual]

To: [The individual]

Re: lst arv dun mq

kick off 4mins before last arrival

- 27 The individual told us that he decided against a terrorist attack at the Masjid Al-Huda, Dunedin Islamic Centre. This was for three reasons. First, the building did not look like a masjid and therefore would not have the same symbolic significance, second, he did not wish to harm Muslim university students who would be likely to return to their home countries after finishing their studies (whom he therefore did not regard as being “invaders”) and third there was more than one masjid in Christchurch.

6.5 Planning documents created in 2019

- 28 On 20 January 2019, the individual sent himself a further email:

Date: 20 January 2019, 4.37 pm

From: [The individual]

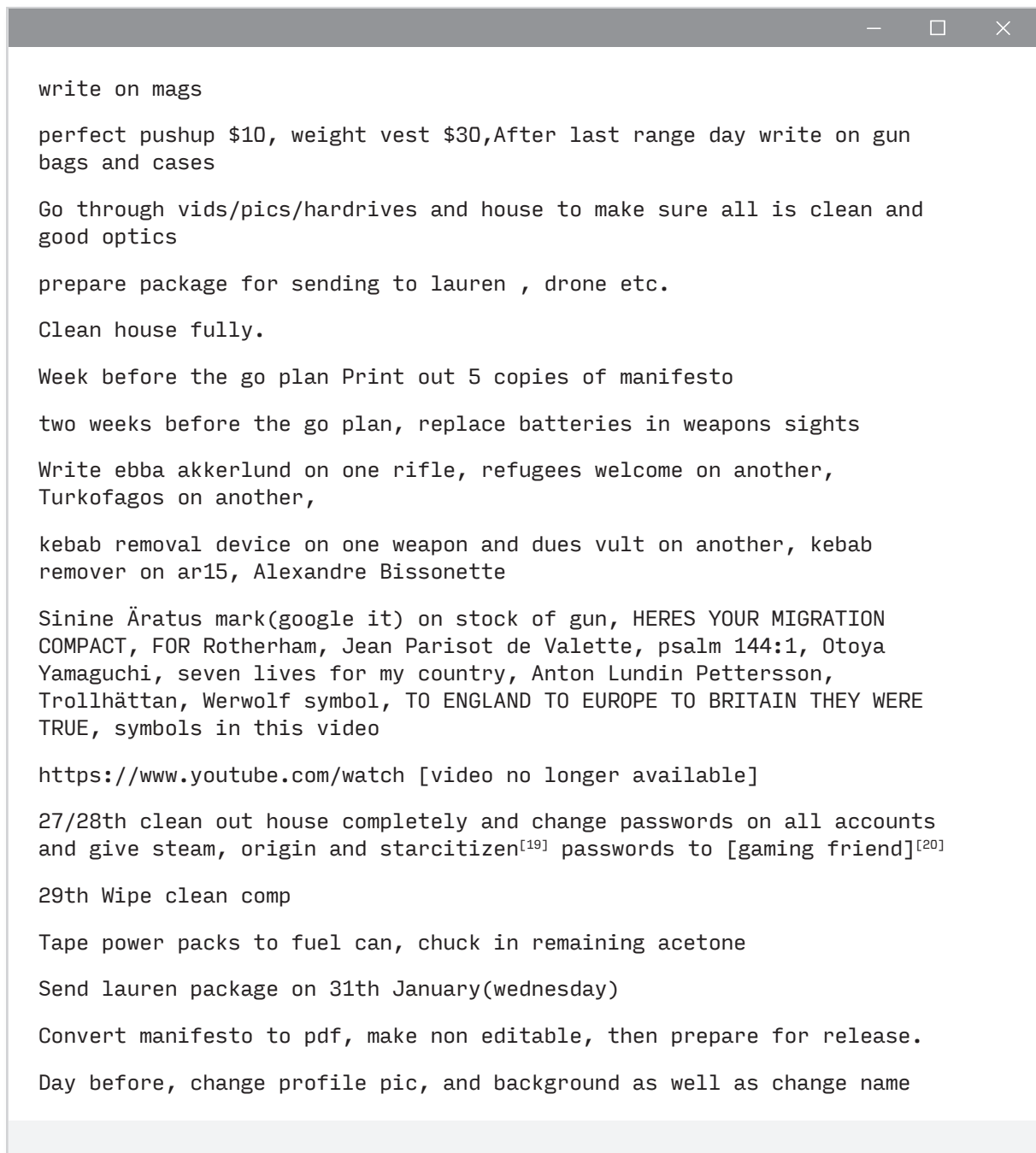
To: [The individual]

holds 13 rounds of magnum cartridges, keep sight system the same ...

The email included aiming advice which we see no need to repeat.



- 29 The last planning document we have seen is an electronic file created on 30 January 2019. It was recovered from the external hard drive the individual sent to his sister along with the drone. The file was another “to do” list and was expressed as follows:



write on mags

perfect pushup \$10, weight vest \$30,After last range day write on gun bags and cases

Go through vids/pics/harddrives and house to make sure all is clean and good optics

prepare package for sending to lauren , drone etc.

Clean house fully.

Week before the go plan Print out 5 copies of manifesto

two weeks before the go plan, replace batteries in weapons sights

Write ebba akkerlund on one rifle, refugees welcome on another, Turkofagos on another,

kebab removal device on one weapon and dues vult on another, kebab remover on ar15, Alexandre Bissonette

Sinine Äratus mark(google it) on stock of gun, HERES YOUR MIGRATION COMPACT, FOR Rotherham, Jean Parisot de Valette, psalm 144:1, Otoya Yamaguchi, seven lives for my country, Anton Lundin Pettersson, Trollhättan, Werwolf symbol, TO ENGLAND TO EUROPE TO BRITAIN THEY WERE TRUE, symbols in this video

<https://www.youtube.com/watch> [video no longer available]

27/28th clean out house completely and change passwords on all accounts and give steam, origin and starcitizen^[19] passwords to [gaming friend]^[20]

29th Wipe clean comp

Tape power packs to fuel can, chuck in remaining acetone

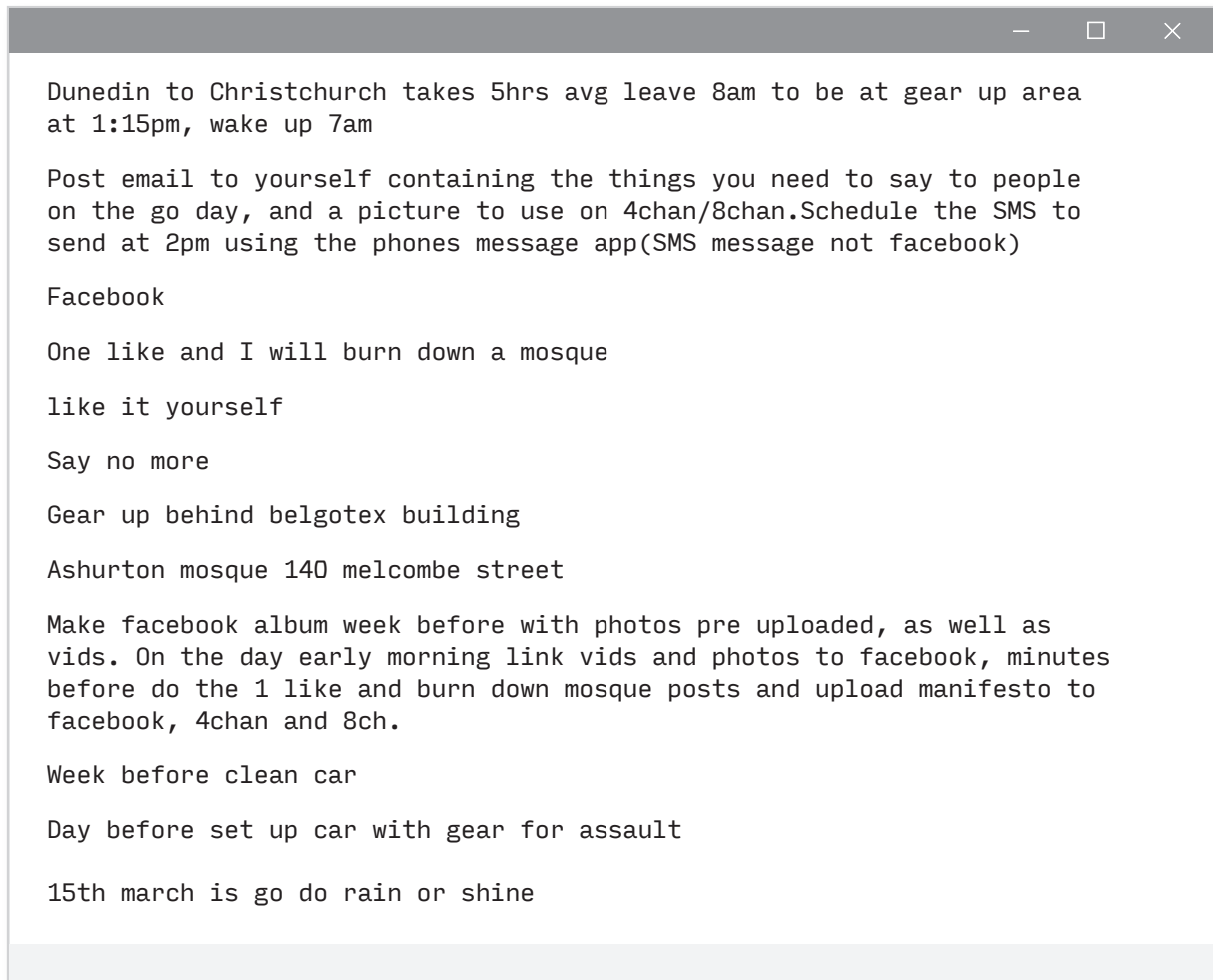
Send lauren package on 31th January(wednesday)

Convert manifesto to pdf, make non editable, then prepare for release.

Day before, change profile pic, and background as well as change name

¹⁹ Video game digital distribution services and platforms.

²⁰ Gaming friend said that the individual did not, in fact, send any passwords to them.



- 30 There are a few points that arise out of this and what the individual told us about it that warrant comment and explanation:
- a) The individual told us that he did not complete all the activities on the list, for instance in relation to accounts and passwords. As noted above, a list of his accounts and passwords was recovered from his SD card from the drone.
 - b) A package was sent to Lauren Tarrant that contained the drone and external hard drive on 13 March 2019.
 - c) According to what he told New Zealand Police on the afternoon of 15 March 2019, the individual prepared a lengthy manifesto that he later deleted before writing the shorter version on a Word file, which he created on 22 January 2019, and published on the internet on 15 March 2019. The first manifesto has not been recovered. He would not tell us and New Zealand Police why he deleted it. Before the individual was sentenced he told a psychiatrist that his claims to having written an earlier manifesto were untrue. He said he had fabricated this story to give the impression the final manifesto was written in haste. This was intended to explain spelling and grammar errors in the final manifesto, which he thought may have been interpreted as an indication of a lack of intelligence.



- d) The passage that begins “One like” and ends “Say no more” is a variant on a meme and internet in-joke.
- e) The plan was to attack Masjid an-Nur, followed by the Linwood Islamic Centre. The Ashburton Masjid was a potential third target but one that he did not anticipate being able to reach.
- f) Leaving aside the fact that 15 March 2019 was a Friday (the day of congregation), the individual was not prepared to tell us what the significance of the day was.
- g) The individual told us that he uploaded his manifesto to both 4chan and 8chan. We have not seen any evidence that the manifesto was uploaded to 4chan.

6.6 In the lead up to the terrorist attack

31 The individual remained in or around Dunedin from 9 January 2019 to the morning of 15 March 2019.

Table 8: Data and activity confirming the individual’s presence in Dunedin in the lead up to the terrorist attack

Date	Mobile call and data records	Banking transactions	Bruce Rifle Club attendance	Social media activity	Other
10 January 2019	✓			Sold item via Facebook.	Purchaser visited the individual’s home address.
11 January 2019	✓			Sold item via Facebook.	Purchaser visited the individual’s home address. Reconnaissance of Masjid Al-Huda, Dunedin Islamic Centre.
12 January 2019	✓				
13 January 2019	✓				
14 January 2019	✓	✓			
15 January 2019	✓			Sold item via Facebook.	Individual dropped off item to purchaser.
16 January 2019	✓				
17 January 2019					Plastic boards imported.
18 January 2019	✓				The individual sold a firearm back to Elio’s Gun Shop.
19 January 2019	✓		✓		
20 January 2019	✓		✓		The individual emailed notes to himself about aiming.
21 January 2019	✓				



Date	Mobile call and data records	Banking transactions	Bruce Rifle Club attendance	Social media activity	Other
22 January 2019	✓	✓			Manifesto created.
23 January 2019	✓				
24 January 2019	✓			Sold item via Facebook.	Purchaser visited the individual's home address.
25 January 2019	✓				
26 January 2019	✓				
27 January 2019	✓			Sold item via Facebook.	Purchaser visited the individual's home address.
28 January 2019	✓				
29 January 2019	✓				
30 January 2019	✓	✓			The individual created his final planning document.
31 January 2019	✓				
1 February 2019	✓				
2 February 2019	✓		✓		
3 February 2019	✓				
4 February 2019	✓				
5 February 2019	✓				
6 February 2019	✓				
7 February 2019	✓				The individual's vehicle linked to Z Energy in Andersons Bay, Dunedin.
8 February 2019	✓				
9 February 2019	✓				
10 February 2019	✓	✓			
11 February 2019	✓				
12 February 2019	✓				
13 February 2019	✓	✓			
14 February 2019	✓				
15 February 2019	✓				
17 February 2019	✓				
18 February 2019	✓				



Date	Mobile call and data records	Banking transactions	Bruce Rifle Club attendance	Social media activity	Other
19 February 2019	✓	✓		Sold two items via Facebook.	One of the purchasers visited the individual's home address.
20 February 2019	✓				
21 February 2019	✓				
22 February 2019	✓	✓			
23 February 2019	✓				
24 February 2019	✓				
25 February 2019	✓	✓			
26 February 2019	✓				
27 February 2019	✓				
28 February 2019	✓				
1 March 2019	✓				
2 March 2019	✓	✓	✓		
3 March 2019	✓				
4 March 2019	✓	✓			
5 March 2019	✓				
6 March 2019	✓	✓			The individual emailed the manifesto to himself.
7 March 2019	✓	✓			The individual's vehicle linked to Z Energy in Andersons Bay, Dunedin.
8 March 2019	✓	✓			
9 March 2019	✓	✓			
10 March 2019	✓				
11 March 2019	✓	✓		The individual updated his Facebook profile photo using Spark fibre IP address in Dunedin.	The individual downloaded a walk through video of Masjid an-Nur.
12 March 2019	✓			Facebook activity using IP address in Dunedin.	
13 March 2019	✓	✓		Facebook and Twitter activity using IP address in Dunedin.	
14 March 2019	✓	✓		Manifesto uploaded.	



- 32 In the days and weeks before the terrorist attack the individual took the following steps:
- He installed several applications on his phone, including GoPro, LIVE GoPro, Skype, Twitter and Discord.
 - He obtained walk-through video footage of Masjid an-Nur from a public Facebook page, which he saved to his phone on 11 March 2019. We are satisfied that the person who posted the video was neither affiliated with the individual nor the far right. We have reviewed the video. It was posted by a Muslim individual visiting New Zealand from overseas and who shared the video of Masjid an-Nur on Facebook as part of their family's travel photos and videos.
 - He posted links to extreme right-wing material on his Facebook page and Twitter on 13 March 2019. At this time, he had three Facebook friends (none of whom had any relevance or link to the terrorist attack) and no followers on Twitter.
 - He tweeted photographs of the firearms and equipment that were later used in the terrorist attack. The firearms had been marked up with text referencing extreme right-wing ideology and previous terrorist attacks.

Figure 12: One of the photographs uploaded to Twitter by the individual



(Source: New Zealand Police)

- He created an album on Facebook called "Open in case of Saracens" on 13 March 2019, which contained 155 images (including a digitally altered image of Masjid an-Nur in flames) and two videos in which extreme right-wing views are expressed and violence is advocated.
- He removed the hard drive from his computer (which has not been recovered).



- g) He uploaded his manifesto to Mediafire²¹ on 14 March 2019 at 7.20 pm. There was no public access to the manifesto on this site until he posted links to it immediately before the terrorist attack.
 - h) On the night of 14 March 2019, he spoke to his mother by phone for 28 minutes and to his sister for an hour and 16 minutes. His mother told the Australian police that during this call he seemed relaxed and happy and made a point of telling her that he loved her, which was out of character. His sister told the Australian police that the individual said that he loved her – in fact he said this twice – which was unusual. Although the individual did sometimes tell her that he loved her, he usually only said this when about to leave on a long trip.
 - i) He accessed “infinite looper” which loops videos/music to be played on YouTube with no user interaction.
 - j) He uploaded “docx” and “pdf” versions of his manifesto to Zippyshare²² at 12.20 am and 12.21 am on 15 March 2019 respectively. Again there was no public access to the manifesto on this site until he posted links to it immediately before the terrorist attack.
 - k) He sent a number of emails to himself on 15 March 2019 at 12.25 am, 12.31 am and 12.32 am. These emails contained the text he would later use in the emails he sent and posts he made on social media immediately before the terrorist attack. It is likely that he sent these emails to himself so that he could quickly copy and paste the text into the emails and social media posts.
 - l) At 6.26 am on 15 March 2019, he posted a Tweet containing links to the file sharing sites where his manifesto could be found. He had no Twitter followers at this time and as we explain below, it is likely that these were protected Tweets until immediately before the terrorist attack.
- 33 There are some issues that we should emphasise about his online posts, because if those posts were visible when they were made they may have alerted people to the terrorist attack.
- 34 The privacy settings of the individual’s Facebook page prior to 15 March 2019 cannot be determined. However, we know that at 12.19 pm on 15 March 2019, the individual searched via the Google Chrome browser on his mobile phone for his own Facebook account. This was likely to check his profile was publicly viewable so that the livestream could be viewed by an audience. This suggests that his Facebook page was previously private. If that is the case, his Facebook page would likely have been visible to the public only in the hours immediately preceding the terrorist attack on 15 March 2019.

²¹ A file hosting, file synchronization and cloud storage service.

²² A free cloud-based file hosting storage service.



- 35 Tweets are publicly visible by default. However, Twitter users can restrict their Tweets so that they can only be viewed by their followers (these are called “protected Tweets”). It cannot be determined whether the posts made by the individual to his Twitter account on 13 March 2019 were public or were protected Tweets. We know that, at the time of the terrorist attack, these posts were not protected Tweets. Consistently with what we have said in relation to the individual’s Facebook settings and his attempts at operational security, it is reasonable to assume that the Tweets on 13 March 2019 were initially “protected Tweets”, with the individual later (probably on 15 March 2019) changing his settings to ensure they were publicly visible by the time of the terrorist attack.
- 36 The manifesto was not able to be seen until the individual posted links to the online platforms where it was uploaded.

6.7 Financing the terrorist attack

- 37 Analysis by New Zealand Police shows that the individual’s terrorist attack was entirely self-funded, at a total estimated cost of NZ\$60,000. This included travel to New Zealand, the individual’s living expenses while he was planning the terrorist attack and the acquisition of the items used to facilitate the terrorist attack. Around half of this amount (approximately NZ\$30,000) was spent on firearms and firearms-related items. There is no evidence to suggest that any other parties provided any money to fund the terrorist attack.
- 38 Our conclusion on this point is based on a review of the individual’s financial activities from 1 January 2010 to 15 March 2019, which reveal no material inflow of money other than that received from his father and income derived from investments he made using that money. As we set out earlier, when we interviewed the individual, he said that he primarily used Bitcoin as currency and that any investments in Bitcoin were limited.

Chapter 7: Assessment of the individual and the terrorist attack



Distressing
Content

- 1 In his manifesto, the individual suggested that his original intention was to train in New Zealand for an attack elsewhere. However, we consider that his intention from the outset was to carry out a terrorist attack in New Zealand. This was certainly his intention by 9 February 2018 as is established by the first of his planning documents.
- 2 By the time of writing his first planning document in February 2018 he had already obtained a firearms licence. In addition, in December 2017 he had acquired a number of semi-automatic rifles and large capacity magazines as well as other material (including body armour) that he used in the terrorist attack. His training and preparation presupposed the use of semi-automatic firearms with large capacity magazines. He could not take such weapons to Australia and likewise could not lawfully acquire them there.
- 3 From his point of view, New Zealand was an ideal place for him to prepare, plan and carry out a terrorist attack. As an Australian he was able to fit in well enough with those he engaged with. New Zealand's permissive firearms laws, particularly the regulation of semi-automatic firearms, which we discuss in more detail in *Part 5: The firearms licence*, were also a likely influence on his decision to carry out an attack in New Zealand. In addition, he did not have close connections in New Zealand and so there was no one likely to raise an alarm about the way he was living and how he was acting. His mother and sister were worried about him, but they were not in regular face-to-face contact with him. Although his way of life was distinctly odd, living alone in a sparsely furnished flat, not working, not engaging closely with anyone and spending large amounts of time online, at rifle clubs and the gym, there was no one who could see the complete picture until perhaps the visit of his mother in December 2018 and January 2019.
- 4 By personality, the individual was well equipped to prepare, plan and carry out a terrorist attack. He has limited and perhaps no empathy for those he has been able to "other", most particularly Muslim migrants in Western countries. This meant he was able to contemplate with equanimity large scale murder of people he had never met. He is reasonably intelligent and was thus able to undertake the necessary preparation and develop a complex but actionable plan for his terrorist attack. He has no apparent emotional need for close engagement with others, largely eliminating the likelihood of "leakage", that is the disclosure of his intentions to others who might inform counter-terrorism agencies. He also was or became technically proficient across a range of skills. In terms of computers and the internet he is very much a digital native and he was well able to modify firearms he acquired to best suit his purposes.



- 5 The individual's behaviour prior to the terrorist attack was consistent with his extreme right-wing views. The language of his online posts – explicitly rejecting the use of violence to resolve immigration issues, but offering no democratic solution – was consistent with that often employed by those on the extreme right-wing. He used memes and irony familiar to those on the far right to disclaim a real commitment to extreme right-wing ideas, while still espousing them. In addition, the individual's familiarity with trolling influenced his preparation for the terrorist attack. For example, the false trail in relation to the “reborn Knights Templar” and a number of the sections in his manifesto were just trolling exercises.
- 6 We see the terrorist attack as resulting very much from an unhappy conjunction of his personality (affected as it may have been by his upbringing), his financial circumstances resulting from the money his father gave him, his underlying political views (particularly his ethno-nationalist views and his belief in the Great Replacement theory) and his way of life (funded with his father's money), which limited the likelihood of his views being tempered by ordinary interactions with others.
- 7 The individual was in no hurry to carry out his terrorist attack. We have seen no evidence to suggest that he ever intended to work to earn money and we have no doubt that the eventual timing of the terrorist attack was significantly driven by his financial circumstances. He was cautious in his preparation and generally tried to avoid attracting attention. In this he may have been assisted by his personality, which enabled him to operate without a need for regular or deep engagement with others. He generally attempted to maintain operational security with only limited lapses. His preparation was methodical, and his planning detailed and elaborate.
- 8 Many of those we have spoken to have expressed the view (or at least suspicion) that others must have played a role in the planning, preparation and execution of the terrorist attack.
- 9 It is true that following his arrest, the individual told New Zealand Police, both when he was stopped and later that afternoon while being interviewed, that up to nine other people were actively involved in the terrorist attack. At one stage he referred to “nine more shooters”. He also said that there are “like-minded” people in Dunedin, Invercargill and Ashburton. As we have explained, he further claimed to have been in touch with the Oslo terrorist's “organisation” which he called the “reborn Knights Templar” and which he said had given a “blessing” for the terrorist attack. He also referred to other people in other jurisdictions and also to training. Aspects of what he told New Zealand Police were reported to the public on the afternoon of 15 March 2019, in particular that there were thought to be other shooters who were active. This has contributed to community perceptions that others may have been involved.



- 10 When we interviewed the individual, he said that he had acted alone and that what he had said in his manifesto and to New Zealand Police to the contrary was untrue. We accept that this is so. Just as the claim of an association with the Oslo terrorist and “reborn Knights Templar” was a false trail, so too were his claims that other shooters were involved in the terrorist attack. There are a number of reasons for this conclusion that he acted alone.
- 11 The first place to start is the interview with New Zealand Police on the evening of 15 March 2019. The narrative of events that he gave was all about himself and did not leave room for participation by others. The “nine more shooters” did not materialise. So, from a very early stage New Zealand Police were satisfied that he had acted alone.
- 12 He had his own money and did not require outside funding. We know what equipment he used and how he paid for it. No one else was involved. He trained for the terrorist attack by gaining proficiency with firearms, attaining a high level of fitness and bulking up on his own, albeit with the assistance of drugs. We know the broad details of his reconnaissance at Masjid an-Nur and in Dunedin and Ashburton. He also told us of limited reconnaissance of the Linwood Islamic Centre on the late afternoon of 8 January 2019. There is no evidence of anyone else being involved. Indeed, given the nature of his reconnaissance, he did not need assistance from anyone else. He was able to obtain any additional information he needed from the internet.
- 13 The planning documents that are discussed in chapter 6 were either emails to himself or located on the SD card of the drone or external hard drive. None of those documents indicate involvement of other people. The individual did not intend these to be seen after the terrorist attack as he had deleted them. We have set out earlier in this Part extracts of those documents that are relevant to his planning, despite the distressing nature of some of what was said. The overwhelming impression of this material in its totality is that the individual’s planning for his terrorist attack was a solo effort.
- 14 We have reviewed the GoPro footage that the individual recorded, along with CCTV footage from Masjid an-Nur. This material gives no indication of anyone else participating in the terrorist attack. During the terrorist attack he was heard talking to others but this was only to his online audience. It was a one-way conversation.
- 15 Engaging others in the planning or execution of the terrorist attack would have been inconsistent with his introverted personality. More generally his approach was influenced by that of the Oslo terrorist who was also a lone actor.
- 16 We acknowledge a view is held in the community that, while the individual may have acted alone on 15 March 2019, he formed part of a network of people holding similar views to him and therefore was not, in that sense, a “lone actor”.



- 17 We have no doubt that the individual's internet activity was considerably greater than we have been able to reconstruct. The style in which his manifesto was written indicates fluency in the language customarily used on extreme right-wing websites and associated memes and in-jokes. The individual confirmed to us that he visited 4chan and 8chan and it is likely that he contributed comments (although we have no direct evidence of this). He also visited other sites and discussion boards where there was discussion promoting extreme right-wing and ethno-nationalist views similar to his own and sometimes supporting violence. He also spent much time accessing broadly similar material on YouTube. His exposure to such content may have contributed to his actions on 15 March 2019 – indeed, it is plausible to conclude that it did. We have, however, seen no evidence to suggest anything along the lines of personalised encouragement or the like.
- 18 For these reasons we conclude that the individual is appropriately labelled a lone actor.

Many of the questions raised by the community were focused on whether the individual was a lone actor. We have addressed this issue in the preceding chapter and for this reason our answers to these questions are brief. Other questions relate to the firearms licence and we deal with those in *Part 5: The firearms licence*. There are a number of other questions that we address below.

8.1 Background of the individual

Did the individual have a history of recreational firearms use?

There is no evidence that the individual had any significant history of recreational firearms use before applying for his licence. He had used firearms when in New Zealand in 2013 and probably in August 2017, and twice at tourist attractions overseas.

The individual had not owned firearms before arriving in New Zealand.

Was the individual military trained?

We have seen no evidence indicating the individual received military training. The claim in his manifesto that he is a United States Navy-trained SEAL is untrue.

8.2 Assistance, motivation and/or encouragement for the terrorist attack

Was the individual really a lone actor? Did he have direct support (that is more than one person was involved in the terrorist attack) or indirect support (that is from online communities)?

In the individual's communications before 15 March 2019, was he motivated or recruited by anyone to perpetrate terrorist acts or did he motivate or recruit anyone to perpetrate terrorist acts?

Yes, he was a lone actor and no one else was involved in the planning, preparation or execution of the terrorist attack. There is no evidence that anyone else was aware of his plans or provided personalised encouragement. It is, however, likely that his thinking was affected by what was said in far right online communities and other far right material he was able to source from the internet.

The individual was not recruited by anyone living in either New Zealand or overseas to commit terrorist acts. However, in acquiring semi-automatic weapons, joining a rifle club and a gym, in taking anabolic steroids and testosterone and in committing acts of terrorism, the individual was following a course of action similar to that of the Oslo terrorist. A copy of the Oslo terrorist's manifesto was found on the SD card of the individual's drone. In this sense we think that he was motivated by him.



We hold no evidence that the individual, in any of his communications prior to 15 March 2019, sought to motivate or recruit any person living in New Zealand or overseas to commit terrorist acts. He did, however, post the comments discussed in chapter 4, which in a general sense promoted his terrorist ideology.

Was the individual part of a gang or group?

No, he was a lone actor.

8.3 Possible associations of the individual

What do you know about the individual's social networks, his friends and acquaintances?

Did the individual associate with people residing in New Zealand who have expressed sympathy with white supremacist ideology or other forms of right-wing extremism?

This is discussed earlier in this Part. His mother and sister were living in Australia. They were aware of his far right and racist views and his ownership of firearms and worried about him. They were not aware of his planning and preparation for his terrorist attack. With the exception of his sister and his mother, his engagement with others was limited and superficial.

We are not aware of the individual associating with extreme right-wing people in New Zealand. He was active in online message boards and groups and it is possible other participants active in those forums also resided in New Zealand. Gaming friend was aware of the individual's political views and that he was in the habit of expressing racist and Islamophobic opinions. While gaming friend did not dispute or challenge those views or opinions, gaming friend's involvement in such discussions was usually passive. There were only three occasions (or periods of time) when the individual and gaming friend met face-to-face (in 2013, August 2017 and January 2018).

8.4 The individual's activities in New Zealand

Why did the individual select Dunedin to live in?

The individual told friends and family that he chose to live in Dunedin because of its climate, Scottish heritage and low levels of immigration. He mentioned its architecture to us. He may have wished to ensure he did not need to have regular engagement with anyone he knew such as gaming friend and gaming friend's parent, and his sister and mother. This would have reduced the likelihood of his way of life raising concerns that may have been reported.



Did the individual have to provide a reference to secure his rental property tenancy in Dunedin? If so, who was it?

No. The individual told the property manager that he owned rental property in Australia (which he did, jointly with his sister). The individual paid the first two months' rent in advance, bond and letting fee when signing the rental tenancy lease.

He was not required to provide a friend or family member as a reference. We were told by the property manager this is not uncommon.

Did the individual live alone?

Yes, the individual lived alone.

People have heard that the individual drove approximately 3,800 kilometres since he purchased his car. Where could he have travelled in this time?

The individual purchased his vehicle on 21 August 2017. When the individual's car was stopped by New Zealand Police on 15 March 2019, the total amount of kilometres on his car was 82,804 (compared with 72,500 kilometres when he purchased it). It appears the individual travelled around 10,304 kilometres while he owned the car. The travel we can account for amounts to 5,653 kilometres.

Between the 21 August 2017 and 15 March 2019, the individual travelled to the Bruce Rifle Club 27 times. This would have amounted to 2,894.4 kilometres.

Between 6–8 March 2018, the individual travelled from Dunedin to Akaroa and back. This would have amounted to 832 kilometres.

He also travelled to Te Anau and Invercargill with his mother and her partner. This would have amounted to 658 kilometres.

The individual travelled to Masjid an-Nur on 8 January 2019 to conduct reconnaissance. This would have amounted to 361 kilometres. When he travelled back to Dunedin he went via the Mackenzie Country. This would have amounted to approximately 540 kilometres.

The individual travelled to Masjid an-Nur and Linwood Islamic Centre on 15 March 2019. This would have amounted to 367.5 kilometres.

The travel set out above amounts to a total of 5,653 kilometres. The balance of the 10,304 kilometres (4,651 kilometres) is consistent with normal travel around Dunedin between 21 August 2017 and 15 March 2019. Making allowances for his overseas trips, we calculate this indicates daily vehicle usage of approximately nine kilometres.



Had the individual made any living arrangements for after his terrorist attack?

The individual had arranged to terminate the lease on his Dunedin flat on 1 April 2019 and sold most of his personal effects prior to 15 March 2019.

He had made no plans for living arrangements after the terrorist attack as he understood that if he survived the terrorist attack he would be imprisoned.

8.5 Possible planning by the individual

Did the individual visit Masjid an-Nur in person prior to the terrorist attack on 15 March 2019?

We have seen no evidence that the individual entered the property occupied by Masjid an-Nur prior to the terrorist attack on 15 March 2019.

We know the individual undertook reconnaissance of Masjid an-Nur on 8 January 2019 by observing it from outside and flying a drone over the masjid. The individual told us that he stood in Hagley Park (opposite the masjid) when he was flying the drone. This is consistent with the flight path of the drone.

The evidence we have received indicates that this was the closest the individual came to Masjid an-Nur prior to the terrorist attack on 15 March 2019.

The individual obtained, through other means, the internal layout of Masjid an-Nur. In particular, the individual acquired walk-through video footage of the Masjid an-Nur from a publicly available Facebook page that he saved to his phone on 11 March 2019.

We are satisfied that the individual remained in or around Dunedin from 9 January 2019 to the morning of 15 March 2019.

Did the individual visit the Linwood Islamic Centre in person prior to the terrorist attack on 15 March 2019?

We have seen no evidence that the individual entered the property occupied by the Linwood Islamic Centre prior to the terrorist attack on 15 March 2019.

The individual told us that he drove past the Linwood Islamic Centre in the late afternoon of 8 January 2019 and that this was for the purpose of reconnaissance.

Did the individual visit masjid in New Zealand, including Ashburton, Christchurch, Dunedin, Hamilton or Wellington?

The individual undertook reconnaissance of masjid in Christchurch, Ashburton and Dunedin.

We have seen no evidence the individual visited masjid in Wellington or Hamilton and he also told us he did not visit these masjid.



The individual's mobile phone records placed him near the Invercargill Masjid on 2 January 2019. However, he told us this was not a reconnaissance exercise. This is likely to be correct as, at that time, the individual was travelling with his mother and her partner.

How did the individual know the “perfect time” to enter the masjidain?

He was able to research prayer times online and knew Friday was an important prayer day and therefore the Christchurch masjidain would be well attended.

8.6 Firearms and weapons

Where did the individual purchase his firearms from?

The individual purchased three firearms in person from New Zealand-based firearms stores and purchased a further seven firearms not in person by completing the required New Zealand Police mail order form. It is conceivable that he bought and sold other firearms privately but we have seen no evidence of this.

How, and who, modified the individual's firearms?

We believe the individual modified his own firearms. There is no evidence to suggest that anyone else assisted him with the modifications.

When we interviewed him, he said he used YouTube tutorials and instructions on the packaging of parts he had purchased to do the modifications.

How was the individual able to accumulate firearms and ammunition without drawing any attention?

As a standard firearms licence holder, the individual could legally purchase firearms and ammunition. There is no limit on the number of firearms that someone can buy or own with a standard licence. Likewise, there is no limit on the amount of ammunition someone can buy or own.

New Zealand Police held copies of the individual's mail order purchase forms. These were collected to authorise the online purchase of firearms and ammunition, and not for the purpose of keeping records of firearms ownership or how much ammunition individuals were acquiring.

Did the individual use a fully automatic gun?

No. He used semi-automatic rifles and shotguns and a lever action rifle.



Was the ammunition the individual purchased only able to be used in a military style semi-automatic, for which an E Endorsement would have been required?

No. The ammunition purchased by the individual could be used with firearms able to be possessed by the holder of a standard firearms licence.

How could the individual afford to purchase his firearms and ammunition if he was unemployed?

How could the individual afford to travel if he was unemployed?

How did the individual fund the terrorist attack? Did he bring funds into the country?

The individual received approximately AU\$457,000 from his father. This money (and income from investments made with it) meant that he did not have to work and was able to purchase his firearms and ammunition, fund his travel and prepare for the terrorist attack.

The individual held bank accounts in Australia and New Zealand, which he continued to use while living in New Zealand. He held an Australian bank account that contained the bulk of his investments. He transferred funds from his Australian bank accounts to his New Zealand ANZ Bank account, which he used, partly, to purchase items in New Zealand.

The individual's mother allegedly stated the individual got his firearms out of the car when she visited him, so he could show them to her. Why was he carrying the firearms in his car all the time?

The individual's mother told police in Australia on 17 March 2019 that when she visited him in Dunedin at the end of 2018, the individual asked her to hold one of his firearms, which he had taken out of a bag in the lounge room of the 112 Somerville Street property. The individual's mother stated she was uncomfortable with the idea of holding the firearm but agreed to do as asked. The individual photographed her with the firearm.

There is no evidence that the individual always carried firearms in his car, although he obviously had firearms in his car when he drove to rifle clubs.

The improvised explosive devices that were found in the individual's vehicle – how were they acquired, how did he know how to make them, and what was their purpose?

Four basic incendiary devices (which were not improvised explosive devices) were found in the individual's vehicle on 15 March 2019. The incendiary devices consisted of four, ten litre containers filled with petrol, with lighters and cans of accelerant (gun oil spray) duct-taped to the side. The materials the individual used to make the devices were able to be easily purchased. The individual told New Zealand Police he intended to use the incendiary devices to set fire to the masjidain, but he did not do so.



8.7 Other matters

How was the individual able to transfer money from his Australian bank accounts to his bank accounts in New Zealand without attracting attention?

Reporting entities (defined in the Anti-Money Laundering and Countering Financing of Terrorism Act 2009), such as banks, are required to identify their customers who transfer money internationally in accordance with the requirements of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

Providing a New Zealand bank identified the individual as the person making the international transfers, there would be no impediment to him transferring money internationally. In order for the individual's international money transfers to attract attention, a New Zealand bank would need to have reasonable grounds to suspect that the transfers may be relevant to detecting an offence before they could report this information. The international money transfers would not, in and of themselves, reach the reporting threshold under the legislation.

We understand informal or hawala arrangements are used by some members of the community to transfer money internationally. Transfers of this kind over \$1,000 have additional due diligence requirements on banks. These requirements did not apply to the individual's money transfers.

Did the individual in any of his communications prior to 15 March 2019, signal his intention to perpetrate one or more terrorist acts?

The only intention signalled by the individual prior to 15 March 2019 to perpetrate terrorist acts was through writing his manifesto (which was not publicly available until 15 March 2019), and through his notes to himself that indicated his reconnaissance of masjid and other preparation for 15 March 2019.

These documents were not visible to anyone else and, in that sense, were not communicated prior to 15 March 2019.

Have New Zealand Police reviewed the footage from CCTV cameras in the vicinity of the masjidain that were attacked on 15 March 2019?

Yes, New Zealand Police have reviewed the CCTV footage that was available in the vicinity of the masjidain that were attacked on 15 March 2019.



Have New Zealand Police identified the woman that visited the Masjid an-Nur on 14 March 2019? Have they identified what, if any, role she had in the 15 March 2019 terrorist attack?

Yes, New Zealand Police have interviewed the woman who was identified as being at the Masjid an-Nur on 14 March 2019. They are satisfied that the woman concerned had a reasonable explanation for entering Masjid an-Nur, and there was nothing suspicious in her explanation. They are satisfied that she had nothing to do with the terrorist attack on 15 March 2019.

Did the individual know Philip Arps?

There is no evidence the individual knows Philip Arps or that there was any other connection between them.

Is there is any connection between the individual and Troy Dubovskiy, who took his life during a New Zealand Police pursuit on 27 March 2019?

There is no evidence the individual knew Troy Dubovskiy or that there was any other connection between them.

Term	Definition
4chan	An image-based message board on the internet where anyone can post comments and share images anonymously.
8chan	A former website composed of user-created message boards similar in structure to 4chan.
CCTV	Closed-circuit television, also known as video surveillance, is the use of video cameras to transmit a signal to a specific place, on a limited set of monitors.
CET	Central European Time.
counter-terrorism agencies	New Zealand Police and the New Zealand Security Intelligence Service.
cryptocurrency	Digital or virtual currency based on a vast network of computers, which allows it to exist outside the control of governments and central banking authorities.
dark web	Part of the internet that is not visible to search engines and requires the use of specialist anonymising software to access.
digital native	A person who has grown up in the digital age.
Internet Protocol address (IP address)	A unique number linked to each device connected to a computer network that uses the Internet Protocol for communication.
magazine	A device that contains ammunition to feed into the chamber of a firearm.
massively multiplayer online role-playing games	A combination of role-playing video games and massively multiplayer online games, in which a large number of players interact with each other in a virtual world.
meme	An image, video or piece of text, typically humorous in nature that is spread via the internet, often through social media.
mobilisation	The process by which a radicalised person moves from an extremist intent to preparatory steps to engage in terrorist activity, such as researching potential targets, training or increased use of concealment behaviour.



Term	Definition
Oslo terrorist	An individual born and raised in Oslo, Norway who committed a terrorist attack in Oslo and on Utøya Island, Norway on 22 July 2011.
Secure Digital card (SD card)	A digital storage card used in portable electronic devices.
Tor browser	Software that allows users to surf the web anonymously by concealing the user's location as well as what they are looking at online. It can also be used to access the dark web.
trolling	The deliberate act of making comments, usually on internet forums, to provoke a reaction from readers.
Virtual Private Network (VPN)	Software that allows the user to create a secure connection to another server over the internet. Once connected, the user can browse the internet using that server. In doing so, the user is provided with an Internet Protocol (IP) address associated with the different server, which hides the user's location.

The firearms licence

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Chapter 1: Introduction

- 1 Our Terms of Reference required us to examine how the individual obtained a firearms licence, weapons and ammunition and to make findings as to:

4(d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part.

The Terms of Reference directed us not to inquire into “amendments to firearms legislation”. This direction restricted the scope of what was required of us, particularly as to recommendations that we might otherwise have made.

- 2 New Zealanders do not have a constitutional right to possess firearms¹ and their entitlement to do so has long been constrained by law, as is well described in the 1997 report of Sir Thomas Thorp into firearms control (the Thorp Report).²
- 3 For many decades the regulation of firearms was mainly based on the registration of individual weapons. But with the enactment of the Arms Act 1983, New Zealand moved from a system focused primarily on the firearm itself to one focused on the suitability of people to possess firearms.³ Under this system, the risk of inappropriate people having firearms is primarily mitigated by a firearms licence being required to possess and acquire firearms and a New Zealand Police-administered process to determine whether a person seeking a firearms licence is “a fit and proper person to be in possession of a firearm”. This phrase is very much a focus of this Part. Restrictions were also imposed in relation to certain types of firearms.
- 4 Despite having only arrived very recently in New Zealand and having no family and few connections here, the individual was able to obtain a firearms licence. This firearms licence enabled him to obtain the firearms that he used in the terrorist attack, including the semi-automatic rifles.
- 5 In this Part, we examine closely the ways in which semi-automatic firearms, and in particular military style semi-automatic firearms, have been regulated, the firearms licensing process, the firearms licensing system and how the individual obtained a firearms licence. At the end of this Part we make findings and answer questions from the community.

¹ *The Kiwi Party Inc v Attorney-General* [2020] NZCA 80, [2020] 2 NZLR 224 at paragraph 27(d).

² Sir Thomas Thorp *KNZM Review of Firearms Control in New Zealand: Report of an Independent Inquiry Commissioned by the Minister of Police* (Thorp Report) (Government Printer, June 1997) at pages 9–23.

³ See section 25 of the Arms Act 1983 as enacted. Records of individual firearms were able to be kept by New Zealand Police for pistols and restricted weapons, as acquisition permits were required in respect of such firearms. These firearms made up a very small proportion of total firearms. See *Sir Thomas Thorp KNZM*, footnote 2 above at page 17.

Figure 13: A guide to New Zealand firearms legislation, regulation and operational documents

Arms Act 1983

- The primary statute controlling the possession and use of firearms and airguns.
- Introduced a system of firearms control based on the suitability of people to possess firearms.
- Does not define a “fit and proper person”.
- Provided for three categories of licences and four types of endorsements to possess pistols and restricted weapons.
- Imposed limitations on the importation and possession of pistols and restricted weapons.

Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984

- Declared a number of weapons to be restricted but semi-automatic firearms were not included.

Arms Amendment Act 1992

- Introduced following the mass shooting in Aramoana, near Dunedin, in 1990.
- Imposed new restrictions on military style semi-automatic firearms.
- Required licence holders to have an E Endorsement to possess and procure military style semi-automatic firearms.

Arms Regulations 1992

- Set the conditions relating to the firearms licensing application process and safety precautions.
- Introduced the requirement for all firearms licence applicants to complete a Firearms Safety Course.

Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012

- Amended the definition of military style semi-automatic firearms and placed restrictions on the importation of airguns that look like pistols, restricted weapons or military style semi-automatic firearms.

 **Arms Manual (2002)****New Zealand Police's primary policy document on the administration of the Arms Act**

- Defines a fit and proper person as a person of good character, who can be trusted to use firearms responsibly and will abide by the laws of New Zealand.

 **Master Vetting Guide (2005)****New Zealand Police's training notes for firearms licensing staff**

- Sets out how applicants and near-relative and unrelated referees should be interviewed.
- Allows for a substitute referee if a near-relative referee is not available.

 **Firearms Licence Vetting Guide (2011)****New Zealand Police's operational document for Vetting Officers**

- Provides the forms for Vetting Officers to record answers given during interview and for the interviewee to sign.
- States referees should be interviewed separately and before the applicant.
- Does not deal with near-relative referee substitution.

Chapter 2: The regulation of semi-automatic firearms

2.1 Overview

- 1 In the terrorist attack on 15 March 2019, the individual used semi-automatic rifles with large capacity magazines. These weapons were configured to be military style semi-automatic firearms, which the individual was not entitled to possess with his standard firearms licence. Yet he was able to legally acquire both the rifles and the large capacity magazines.
- 2 In this chapter we explain why this was so. For clarity, unless it is otherwise stated, we describe the relevant legislation and processes as they stood on 15 March 2019.

2.2 The evolution of the regulation of semi-automatic firearms

- 3 The Arms Act 1983 imposed particular limitations on the importation and possession of pistols and “restricted weapons”. “Restricted weapons” are:⁴

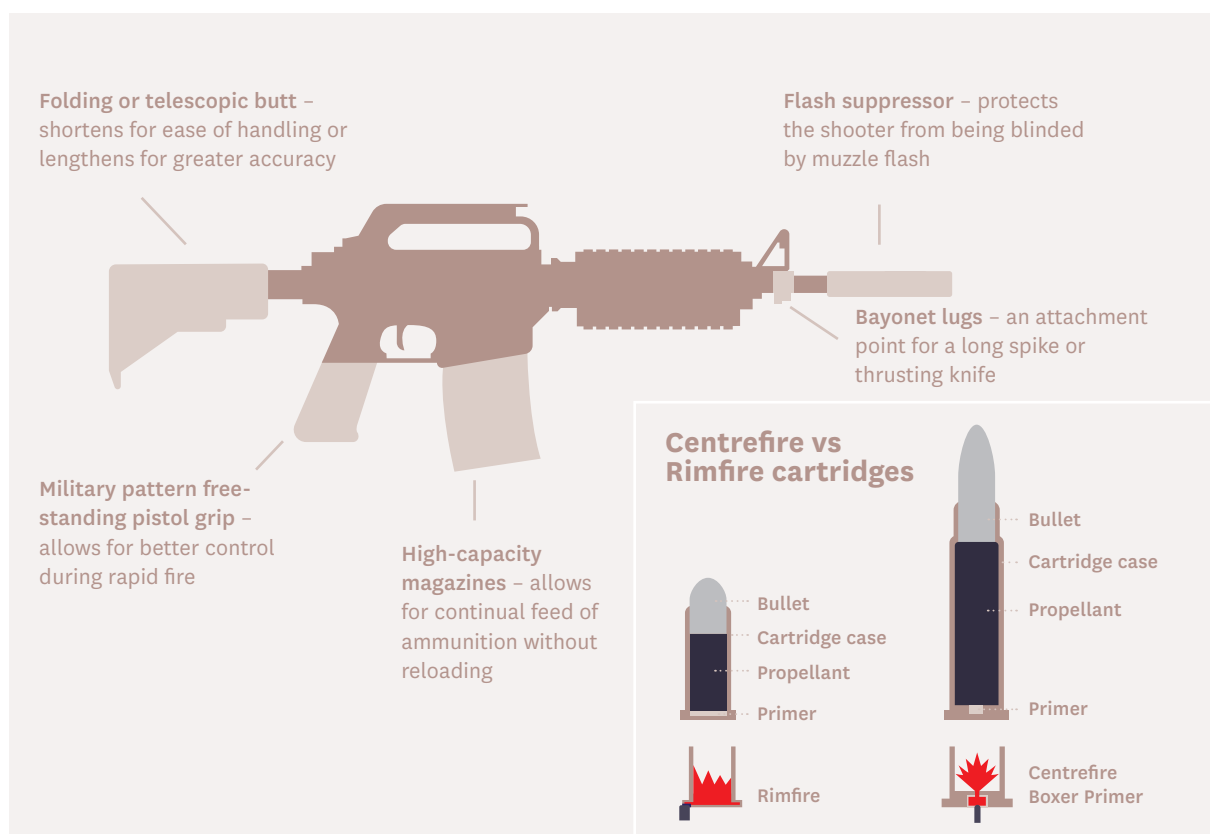
... any weapon, whether a firearm or not, declared by the Governor-General, by Order in Council made under s 4 of this Act, to be a restricted weapon.

The Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984 declared a number of weapons to be restricted, including anti-tank projectors, grenade dischargers, Molotov cocktails, machine guns, sub-machine guns, explosive mines, mortars and rocket launchers. Semi-automatic firearms were not included.

- 4 Further changes came about after a mass shooting in 1990 when a gunman used two semi-automatic firearms to kill 13 people in Aramoana, near Dunedin. In response to this event, the Arms Act was amended by the Arms Amendment Act 1992 to create restrictions on military style semi-automatic firearms, which were defined in a reasonably complex way.
- 5 A semi-automatic firearm was a military style semi-automatic firearm if it was fitted with:
 - a) a magazine capable of holding more than 15 .22 calibre rimfire cartridges or more than seven cartridges of any other kind; and/or
 - b) a military pattern free-standing pistol grip; and/or
 - c) a folding or telescopic butt; and/or
 - d) bayonet lugs; and/or
 - e) a flash suppressor.

⁴ Arms Act 1983, section 2.

Figure 14: The five components of a military style semi-automatic firearm



- 6 The Arms Amendment Act 1992 also introduced the following:
- A requirement for a licence endorsement (known as an E Endorsement) to possess military style semi-automatic firearms.⁵
 - A requirement for permits to procure military style semi-automatic firearms, as was already the case for pistols and other restricted weapons.
 - Import controls under a new section 18(2), requiring a permit to import military style semi-automatic firearms or parts. A permit could only be issued by the Commissioner of New Zealand Police and subject to the Commissioner being satisfied that there were “special reasons” why the firearm or parts “should be allowed into New Zealand”. The Commissioner could delegate permit approval powers to police officers of the rank of inspector or higher.

⁵ Under new sections 30A and 30B of the Arms Act.

2.3 New Zealand Police practice in relation to military style semi-automatic firearms

- 7 A restrictive approach was taken to the application of section 18(2) of the Arms Act. New Zealand Police policy was that “special reasons” to import a military style semi-automatic firearm or parts for such a firearm would be established if:

The individual applying for the permit:

- a) *seeks to possess the [military style semi-automatic firearm] as part of a collection, and demonstrate that it fits with and enhances an existing collection, or*
- b) *participates in an identifiable shooting discipline or sport at an incorporated sports club with rules encouraging the safe and legal use of firearms and a range certified for the shooting activity and intends to use the [military style semi-automatic firearm] in an event at that sports club, or*
- c) *wishes to use the [military style semi-automatic firearm] in a capacity equivalent to that described in section 29(2)(e) of the Arms Act 1983 (“theatrical purposes”), or*
- d) *wishes to replace an unsafe or unserviceable [military style semi-automatic firearm] or part thereof and offers a 1:1 surrender of the unsafe or unserviceable [military style semi-automatic firearm] or part of the [military style semi-automatic firearm], or*
- e) *requires the [military style semi-automatic firearm] for occupational purposes.*

For dealers seeking a section 18(2) permit, special reasons were:

The dealer is importing the ... [military style semi-automatic firearm] ... as an agent for an individual who has a special reason for importing that item.

or

The dealer wishes to replace an unsafe or unserviceable [military style semi-automatic firearm] or part and offers a 1:1 unconditional surrender of the unsafe or unserviceable [military style semi-automatic firearm] or part.

- 8 A similar approach was adopted for permits to procure.

2.4 Disputes about administration

- 9 New Zealand Police's administration of the legislative controls on military style semi-automatic firearms was contentious. Many in the firearms community did not see much sense in legislative restrictions that, in part, rested on the appearance of firearms rather than their functionality. The restrictive approach to the granting of permits to import military style semi-automatic firearms and associated parts was unpopular. Also unpopular was a change in New Zealand Police policy on what constituted a military pattern free-standing pistol grip.
- 10 Some of these issues gave rise to litigation. The restrictive policy adopted by New Zealand Police to the granting of permits under section 18(2) was upheld in *Clark v Commissioner of Police* where the Court rejected the argument that a dealer's wish to have stock on hand for resale was a special reason.⁶ New Zealand Police, however, did not succeed in other litigation concerning:
- a) the interpretation of what constituted a military pattern free-standing pistol grip (where New Zealand Police's interpretation was rejected);⁷ and
 - b) whether a permit to procure was required to convert a semi-automatic firearm into a military style semi-automatic firearm (with the Court concluding that, contrary to the view of New Zealand Police, there was no need for such a permit).⁸
- 11 The Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 re-defined military style semi-automatic weapons by removing some of the problems with the previous definition. However, this change is not material to our inquiry.

2.5 An ineffective legislative policy

- 12 As events turned out, the section 18(2) requirement for a permit to import parts for military style semi-automatic firearms and the restrictive approach taken by New Zealand Police were not particularly effective in limiting the importation of large capacity magazines. This is because large capacity magazines can, at least in some instances, also be used with bolt action rifles. Large capacity magazines imported for such use were not subject to import control under section 18(2). Once in New Zealand, they were not subject to any restrictions in terms of sale, meaning that a purchaser was not required to hold even a standard firearms licence. So, someone could import large capacity magazines by saying they were to be used with bolt action rifles but fit them to semi-automatic firearms (rendering those firearms military style semi-automatic weapons) but without the need for a permit.

⁶ *Clark v Commissioner of Police* [2018] NZDC 2990.

⁷ *Lincoln v New Zealand Police* HC Palmerston North CIV-2009-454-4753, 1 March 2010.

⁸ *Lincoln v Commissioner of Police* [2013] NZHC 1813.



3.1 Overview

- 1 As at 15 March 2019, the Arms Act 1983 provided for three categories of licences and a range of endorsements authorising the licence holder to possess pistols, restricted weapons or military style semi-automatic firearms. With the exception of pistols, there was no limit on the number of firearms or amount of ammunition that a firearms licence holder may purchase.

Figure 15: New Zealand firearms licence and endorsement types

Licences

A	Standard firearms licence – allows a person to have and use, without supervision, any type of firearm (except pistols, military style semi-automatic firearms and restricted weapons).
D	Dealer’s firearms licence – allows a person to sell and make firearms and airguns. Valid for one year and can only be used for one place of business.
V	Visitor’s firearms licence – allows a person visiting New Zealand for less than 12 months to use firearms for hunting or competitions in New Zealand and to apply to have endorsements to use controlled firearms.

Endorsements

B	B Endorsement – to possess up to 12 pistols and use for target shooting and to be an active member of an approved pistol club recognised by the Commissioner of New Zealand Police.
C	C Endorsement – either: <ul style="list-style-type: none"> a) collector endorsement to collect pistols or restricted weapons; b) heirloom/memento endorsement to own pistols or restricted weapons with special significance as an heirloom or memento; c) theatrical endorsement to own pistols and restricted weapons for theatrical purposes; or d) museum endorsement to collect pistols or restricted weapons.
E	E Endorsement – to possess military style semi-automatic firearms.
F	F Endorsement – to own pistols and restricted weapons for hire or sale, including as an employee of a dealer. Usually issued alongside an E Endorsement to enable dealing in military style semi-automatics as well.



- 2 The individual was granted a firearms licence without endorsements on 16 November 2017. Throughout the report we will refer to his licence as a standard firearms licence. This is sometimes called an “A Category” licence.
- 3 The standard firearms licence did not authorise the individual to possess pistols, restricted weapons or military style semi-automatic firearms – the types of firearms for which endorsements are required. Firearms that can lawfully be possessed by the holder of a standard firearms licence are sometimes referred to as “A Category firearms”.
- 4 The purpose of this chapter is to describe the process, not evaluate it. An evaluation of the firearms licensing system, which includes the firearms licensing process, is provided in chapter 4 of this Part.
- 5 In this chapter we outline the firearms licensing process for a standard firearms licence, with a primary focus on the application of the fit and proper person test. We will address:
 - a) the legislative context;
 - b) New Zealand Police policy and operational guidance;
 - c) the people who administer the process;
 - d) an overview of the process; and
 - e) determining whether an applicant is a fit and proper person.

At the end of the chapter we identify the steps in the process that are significant to our inquiry.

3.2 The legislative context

- 6 In this chapter, we discuss the legislative context as it was before 15 March 2019. At the time, the firearms licensing process was based on sections 23 and 24 of the Arms Act and regulations 14–16 of the Arms Regulations 1992.



7 Sections 23 and 24 of the Arms Act provided:

23 Application for firearms licence

- (1) Any person who is of or over the age of 16 years may apply at an Arms Office to a member of the Police for a firearms licence.
- (2) Every application under subsection (1) shall be made on a form provided by a member of the Police.
- (3) A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence.

24 Issue of firearms licence

- (1) Subject to subsection (2), a firearms licence shall be issued if the member of the Police to whom the application is made is satisfied that the applicant—
 - (a) is of or over the age of 16 years; and
 - (b) is a fit and proper person to be in possession of a firearm or airgun.
- (2) A firearms licence shall not be issued to a person if, in the opinion of a commissioned officer of Police, access to any firearm or airgun in the possession of that person is reasonably likely to be obtained by any person—
 - (a) whose application for a firearms licence or for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of the Arms Act 1958 has been refused on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (b) whose certificate of registration as the owner of a firearm has been revoked under section 10 of the Arms Act 1958 on the ground that he is not a fit and proper person to be in possession of a firearm; or
 - (c) whose firearms licence has been revoked on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (d) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun.



- 8 As at September 2017, when the individual initiated the licensing process, regulations 14, 15 and 16 of the Arms Regulations provided:

14 Applicants to undergo theoretical test

Every applicant for a firearms licence shall, unless a commissioned officer of Police otherwise directs, —

- (a) undergo a course of training which is conducted by a member of the Police or a person approved for the purpose by a member of the Police and which is designed to teach the applicant to handle firearms safely; and
- (b) pass such theoretical tests as may be required to determine the applicant's ability to handle firearms safely (being tests conducted by a member of the Police or a person approved for the purpose by a member of the Police).

15 Supply of particulars for firearms licence

- (1) Every application for a firearms licence shall be in writing, and shall be signed by the applicant.
- (2) The application shall state—
 - (a) the full name of the applicant; and
 - (b) the date of birth of the applicant; and
 - (c) the place of birth of the applicant; and
 - (d) the address and occupation of the applicant; and
 - (e) the place at which the applicant carries on his or her occupation; and
 - (f) the name and address of a near relative of the applicant; and
 - (g) the name and address of a person (not being a near relative of the applicant) of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm; and



- (h) whether the applicant has been convicted of any offence, whether in New Zealand or any other country; and
- (i) whether the applicant has previously made application to be issued with a firearms licence whether in New Zealand or any other country and has been refused.

16 Place of application

- (1) An applicant for a firearms licence shall attend in person at an Arms Office and shall complete at that Arms Office his or her application for a firearms licence.
- (2) The Arms Office at which the applicant attends shall be either—
 - (a) the Arms Office nearest to the applicant's place of employment; or
 - (b) the Arms Office nearest to the applicant's place of residence.

- 9 Minor amendments were made to these regulations in January 2019. These provided that the regulation 14(b) tests could be practical, as well as theoretical, and cleared the way for applications to be made electronically.

3.3 New Zealand Police policy and operational guidance

- 10 The *Arms Manual* is the primary New Zealand Police policy document on the administration of the Arms Act. Sitting under it are the *Master Vetting Guide*, which provides training notes for firearms licensing staff, and the *Firearms Licence Vetting Guide*, an operational document that sets out questions that Vetting Officers should ask applicants and referees during interviews. It also provides the forms on which Vetting Officers record the answers given by applicants and referees.

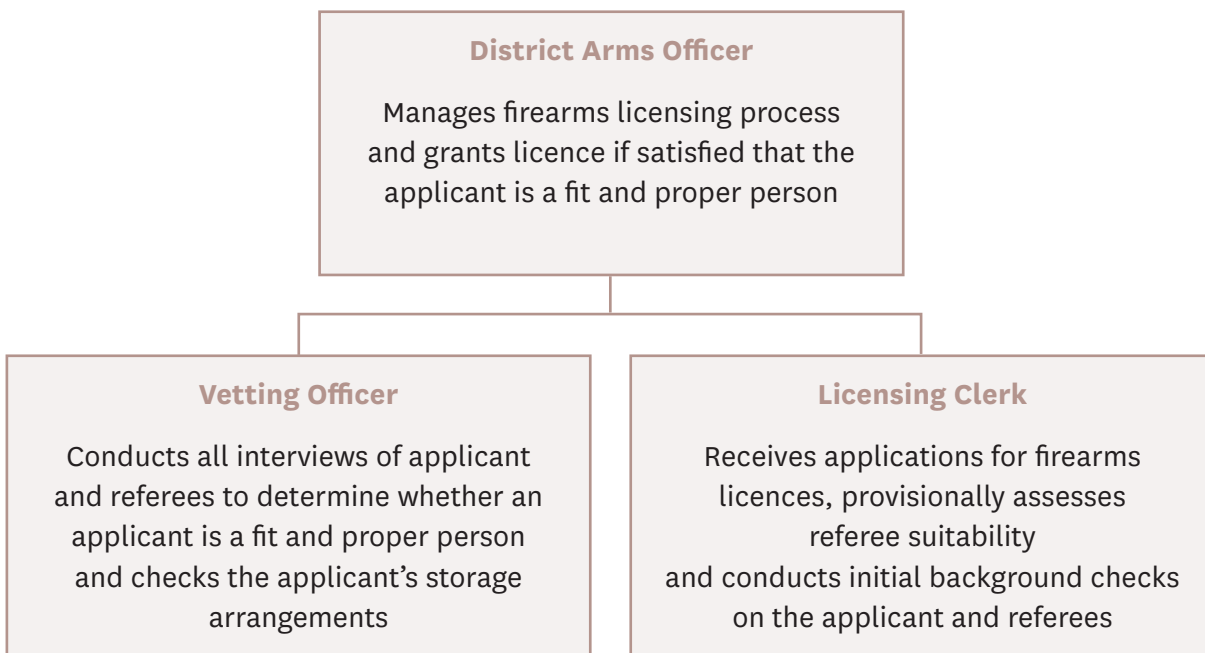
3.4 The people who administer the process

- 11 Sections 23(2) and 24(1) of the Arms Act use the phrase “member of Police”. This is not restricted to those who are sworn police officers, but extends to all New Zealand Police employees. The licensing process is usually administered by non-sworn Police employees. This was the case for the individual's application.



12 We outline below the roles of those involved in the decision to grant a firearms licence.

Figure 16: Roles of those involved in the firearms licensing process



13 Under section 24 of the Arms Act, a licence can be approved by a non-sworn Police employee, such as a District Arms Officer, but can only be refused by a sworn police officer, with the rank of inspector or higher. In the event of a licence application being refused, there is a right of appeal to the District Court.



3.5 An overview of the process

14 The steps towards obtaining a licence are as follows:

Figure 17: How New Zealand Police process a firearms licence application

1. Applicant completes and submits a paper application form

The applicant signs a declaration on the form to confirm that the information provided is correct. The completed application with proof of payment of fee is presented to New Zealand Police. The applicant must also attend, and pass, a Firearms Safety Course developed by New Zealand Police and run by New Zealand Mountain Safety Council instructors.

2. Licensing Clerk provisionally assesses application

The Licensing Clerk provisionally assesses the suitability of nominated referees and conducts initial background checks. The Licensing Clerk searches New Zealand Police's National Intelligence Application database for any relevant information about the applicant and referees.

3. District Arms Officer assesses application for disqualifying factors

The District Arms Officer receives the file and reviews the application and, if it is appropriate for further processing, liaises with Vetting Officers.

4. Vetting Officer interviews referees

The Vetting Officer interviews the referees following the process set out in the *Firearms Licence Vetting Guide*.

5. Vetting Officer interviews applicant at home and conducts storage check

The Vetting Officer interviews the applicant following the process set out in the *Firearms Licence Vetting Guide*. Interviews take place in the applicant's home and the Vetting Officer checks for appropriate firearms storage.

6. District Arms Officer reviews application for approval or refusal

The District Arms Officer reviews the application and referee interviews and then approves the firearms licence application or refers it to a police officer with the rank of inspector or above with a recommendation that it be declined.



3.6 The significance of the fit and proper person test

- 15 Under the Arms Act prior to 15 March 2019, a standard firearms licence lasted for ten years and permitted the holder to possess any firearm other than a pistol, a restricted weapon or a military style semi-automatic firearm. There was no firearms registry, meaning that there was no record of the number and type of firearms owned by the holder of a standard firearms licence.
- 16 All of this meant that the application of the fit and proper person test was fundamental to the effective operation of the Arms Act. Despite some legislative changes since 15 March 2019, this remains the case.

3.7 Who is a fit and proper person?

- 17 The phrase fit and proper person is not defined in the Arms Act and, prior to amendments made after 15 March 2019, little legislative guidance was provided as to how the fit and proper person test should be applied.
- 18 On the basis of earlier court decisions, factors a decision-maker might have taken into account prior to 15 March 2019 included:
- a) the applicant's general character and temperament;⁹
 - b) whether the applicant is a risk to themselves or others with firearms;¹⁰
 - c) gang membership (although this will not automatically rule out an applicant);¹¹ and
 - d) previous convictions (although these will not automatically rule out an applicant).¹²
- 19 The *Arms Manual* defines a fit and proper person as a person of good character, who can be trusted to use firearms responsibly and will abide by the laws of New Zealand. It sets out a list of reasons why someone might not satisfy the test.¹³ These include having:
- a) been the subject of a protection order;
 - b) shown no regard for the Arms Act or the Arms Regulations;
 - c) been involved in substance abuse;

⁹ *Police v Cottle* [1986] 1 NZLR 268 (HC).

¹⁰ *Jenner v Police* [2016] NZDC 4102.

¹¹ See *Innes v Police* [2016] NZDC 4538. However, compare *Fewtrell v Police* [1997] 1 NZLR 444 (HC); and *Mallasch v Police* [2009] DCR 596 (DC).

¹² *Bush v Police* [1991] DCR 385 (DC); *Flynn v Police* DC Christchurch CIV-2010-009-605, 7 October 2010; *Fewtrell v Police*, footnote 11 above; *Mallasch v Police*, footnote 11 above; and *Jenner v Police*, footnote 10 above.

¹³ New Zealand Police *Arms Manual* (Wellington, 2002) at paragraph 2.29(2).



- d) committed a series of minor offences, or a serious offence, against the Arms Act, or a serious offence against any other Act;
- e) committed crimes involving violence or drugs;
- f) affiliations with a gang involved in committing violent offences or in conflict with another gang;
- g) past or present involvement in relationship disputes involving violence or threats of violence; and
- h) exhibited signs of mental illness or attempted to commit suicide or cause other injury to themselves.

Not included are extreme political opinions, racism or any other beliefs.

3.8 Information available to New Zealand Police from the National Intelligence Application and other sources

- 20 Information about an applicant or referee can be accessed through the National Intelligence Application – an information database used by New Zealand Police to manage information relevant to operational policing. The database includes:
- a) driver's licence details;
 - b) driver demerit and suspension history;
 - c) youth aid involvement;
 - d) family violence incidents;
 - e) notification alerts (for example, mental health, violence, gang associations, vehicles, locations, organisations);
 - f) history reports (such as charges against the person and bail conditions); and
 - g) convictions.

It also includes details about those who hold firearms licences, which may be relevant in relation to referee checks.

- 21 New Zealand Police may also conduct further checks, such as criminal history checks through the International Criminal Police Organization (INTERPOL). A medical certificate from the applicant's general practitioner to certify the applicant's mental stability may also be requested.



- 22 Overseas criminal history checks are limited and are not carried out routinely. Under its rules, the International Criminal Police Organization (INTERPOL) will only check an applicant's overseas criminal convictions if that person is suspected of having committed an offence. New Zealand Police do not routinely ask applicants who have lived overseas to supply criminal history checks from other jurisdictions. This means identification of prior convictions relies on self-disclosure.
- 23 Similar considerations apply to medical certificates, as they are only sought if the applicant or referee discloses a medical condition that might have an impact on the applicant's mental or physical suitability to possess a firearm or they behaved at the interview in such a way as to suggest such a condition.

3.9 Nomination and acceptance of referees

- 24 Regulations and guidance on the nomination of referees are complex. In order to deal with this complexity, we set out the law and policy in substantial detail.
- 25 Regulation 15(2)(f) of the Arms Regulations requires the applicant to provide "the name and address of a near relative of the applicant". Regulation 15(2)(g) requires the nomination of a person who is not a near relative of the applicant "of whom inquiries can be made about whether the applicant is a fit and proper person". We refer to both persons as the "referees".
- 26 Neither the Arms Act nor the Arms Regulations require the referees to be interviewed. The *Master Vetting Guide* stipulates that, for every application, the near-relative referee must be interviewed face-to-face. The other referee must be interviewed face-to-face, only in the case of first-time applicants.
- 27 The *Master Vetting Guide* refers to the near-relative referee in this way:

This is the person who lives with, and probably best knows, the applicant in a personal sense. Be prepared to interview any previous spouse/partner.

- 28 Some applicants are unable to provide a near-relative referee who lives with them and can be interviewed in person. This is addressed by the *Master Vetting Guide* which, when dealing with the near-relative referee, provides:

If the applicant does not have a spouse/partner/next of kin, or the next of kin does not live with the applicant, interview the person who lives with them, or a person who is likely to know them best in a personal sense.



- 29 The *Master Vetting Guide* thus provides for the substitution of the near-relative referee. In this respect, there is an apparent inconsistency with the *Arms Manual* and the *Firearms Licence Vetting Guide*, which indicate that a near-relative referee is a requirement.
- 30 Common sense requires all documents to be read together. This is consistent with the *Arms Manual*, which provides that the *Firearms Licence Vetting Guide* and the *Master Vetting Guide* direct the vetting of applications. The front cover of the *Firearms Licence Vetting Guide* advises that “[b]efore conducting the vetting please ensure that you understand the *Master Vetting Guide*”. The District Arms Officer and the Licensing Clerk are responsible for the initial assessment of whether a near-relative referee can be dispensed with and replaced with an unrelated referee. When doing so, they are expected to act consistently with the *Master Vetting Guide*.
- 31 What all of this means is that an applicant who nominates a near relative who is living overseas or unable to be interviewed in person is usually advised to nominate another referee “who is likely to know them best in a personal sense” and is living in New Zealand.

3.10 Initial background checks of the applicant and referees

- 32 Upon receipt of the application, the Licensing Clerk carries out basic National Intelligence Application checks as to the applicant’s suitability to hold a firearms licence and the appropriateness of the two referees. The Licensing Clerk creates a paper file that includes printouts of the checks and forwards it to the District Arms Officer. If the checks show that the applicant is not a fit and proper person, the application is put to a police officer with the rank of inspector or higher for refusal. If nothing of note arises from these checks, the relevant parts of the file are sent to Vetting Officers.
- 33 Vetting Officers do not receive the National Intelligence Application printouts. Instead, if information arises from such checks that might be relevant to vetting, this is noted by the District Arms Officer in the paper file for discussion by Vetting Officers with applicants and/or referees.

3.11 The interview process

- 34 Vetting Officers are responsible for interviewing both the applicant and the referees as part of the application process.
- 35 Vetting Officers receive the relevant parts of the firearms licence application file and arrange in-person interviews with the applicant and the two referees at their respective homes.



- 36 The *Firearms Licence Vetting Guide* states that referees should be interviewed separately and before the applicant is interviewed. The applicant must not be present during these interviews. Conducting the interviews in this order allows the Vetting Officer to build a better understanding of the applicant and, in particular, to explore with referees any points of interest that can later be discussed with the applicant. This order of interviews is not always followed as it depends on the availability of those being interviewed and other practical considerations.
- 37 If the applicant and referees live in the same District, the same Vetting Officer will usually interview all of them, although this may not be possible due to staff availability. Where they do not all live in the same District, different Vetting Officers will be involved.

3.12 Referee interviews

- 38 The *Firearms Licence Vetting Guide* requires the Vetting Officer to ask for the referee's personal details. If the referee holds a firearms licence the licence number is recorded.
- 39 Questions to determine the nature of the relationship between the applicant and referee are included in the preliminary section. For the near-relative referee, the questions are:

- a) *What is your relationship to the applicant?*
- b) *How long have you known the applicant?*
- c) *Do you live with the applicant? And, if so, how long?*
- d) *How would you describe this relationship?*

In the case of the other referee, the questions are:

- a) *How long have you known the applicant?*
- b) *What is your relationship to [the] applicant?*

- 40 The *Firearms Licence Vetting Guide* is written on the premise that there is a near-relative referee. Beyond the general questions that we have set out, it does not provide a template for testing the depth of the relationship between the applicant and referee. In particular, there is no guidance for Vetting Officers as to how they should assess whether the referee knows the applicant sufficiently well to comment on whether they are a fit and proper person, even though that is the primary purpose of inquiring into the nature of the relationship.



- 41 The *Firearms Licence Vetting Guide* provides questions that focus on the applicant's attitude towards firearms and any traits of the applicant (or anyone in the applicant's household) that may be relevant to the safe use of firearms. If any issues are identified, such as substance misuse, mental health issues or previous convictions, further details are required.
- 42 Finally, the referee is asked to comment on why they consider the applicant to be suitable to have firearms, if they would have concerns for the safety of any person if the applicant had access to firearms and any reason why New Zealand Police might not issue a firearms licence to the applicant. Vetting Officers are to look out for indications of a referee being afraid of, or coerced by, the applicant.
- 43 There is space at the end of the referee section for the Vetting Officer to provide comments and to summarise the interview, including observations of the referee's behaviour, demeanour and their home.
- 44 Each referee initials the bottom of the pages of the *Firearms Licence Vetting Guide* where their answers have been recorded. Referees also fill in their names, the date and sign the *Firearms Licence Vetting Guide* declaring that the answers they gave are true and correct.

3.13 Applicant interview

- 45 A Vetting Officer interviews the applicant in person at their home and checks the security of storage arrangements to ensure that they meet the requirements of regulation 19 of the Arms Regulations.
- 46 The applicant must show the Vetting Officer proof of having passed the Firearms Safety Course.
- 47 The applicant's interview is directed by the questions set out in the *Firearms Licence Vetting Guide*.
- 48 The first section is aimed at establishing why the applicant is applying for a firearms licence. The applicant must provide the Vetting Officer with their reasons for wanting a firearms licence and where they intend to use firearms, their experience with firearms and firearms interests (such as target shooting), whether they are a member of a firearms club or association and the precautions to be taken if firearms are lent to others.



- 49 The personal history section of the interview addresses whether the applicant has been referred to a psychiatrist or psychologist, has come to police attention (including for drink driving or traffic convictions) or has ever been refused a firearms licence (in New Zealand or elsewhere). Any information that has arisen from the background checks (including any overseas inquiries) that is of concern will be put to the applicant for comment.
- 50 There is a section in the *Firearms Licence Vetting Guide* addressing alcohol and drug use, including medication, and whether the applicant has attempted suicide or if they have had any adverse events in their life in the last 12 months.
- 51 The applicant is asked the same questions as their referees regarding the details of people who have access to the household and if those people display any traits that may make them unsafe to have access to firearms.
- 52 The last section attempts to identify the applicant's attitudes towards firearms with questions similar to those asked of referees, including whether the applicant considers that they are suitable to have firearms and if they would have any concerns for the safety of any person if they had a firearm.
- 53 The Vetting Officer will then make a recommendation as to whether the applicant should be issued a firearms licence based on the interviews and inspection. The Vetting Officer provides a short statement outlining the reasons for the conclusion reached.
- 54 If the referees have been interviewed before the applicant, this information is available to the Vetting Officer when the recommendation is made. If a different Vetting Officer interviewed the referees, the Vetting Officer making the recommendation may talk to that Officer to get a better understanding of the referees and their comments on the applicant's suitability to possess a firearm.
- 55 The applicant's complete file is then returned to the District Arms Officer in the District where the application was made.

3.14 The decision of the District Arms Officer

- 56 The District Arms Officer reviews the report of the Vetting Officer (or their reports if there was more than one) and will grant the licence if satisfied the applicant is a fit and proper person to possess firearms. If the District Arms Officer is not satisfied the applicant is a fit and proper person, the application is referred to a police officer of the rank of inspector or higher for decision under section 24(2) of the Arms Act.



3.15 Steps in the process that are of significance to our inquiry

- 57 As we will explain, the individual initially put forward his sister Lauren Tarrant, who lived in Australia, as his near-relative referee and gaming friend (see Part 4, chapter 2), who lived in New Zealand, as his other referee. Lauren Tarrant was not acceptable as a referee because she could not be interviewed in person and she was not contacted. The individual's gaming friend was substituted for her and gaming friend's parent became the other referee.
- 58 The steps in the process as it was applied to the individual that are of concern to us involve the substitution of gaming friend as the near-relative referee, the acceptance of gaming friend's parent as the other referee, the fact that Lauren Tarrant was not contacted and the referee interviews.
- 59 We discuss these issues in chapter 5 when we review in detail the process that was applied and in chapter 6 where we evaluate the adequacy of that process.

Chapter 4: The firearms licensing system – an evaluation

4.1 The extent to which evaluation is called for

- 1 In this chapter we provide an evaluation of the firearms licensing system with a particular focus on the firearms licensing process and the regulation of semi-automatic firearms. However, it should be noted that our Terms of Reference restricted us from inquiring into or making recommendations on “amendments to firearms legislation” as “the Government is separately pursuing this issue”.
- 2 The government’s separate pursuit of this issue has led to significant changes to the regulation of semi-automatic firearms and the prohibition of certain types of ammunition and magazines following the 15 March 2019 terrorist attack. The Arms Legislation Act 2020 introduced further substantial changes to the firearms licensing system. The amendments:
 - a) substantially recast the approach to be taken to the fit and proper person test;
 - b) provide mechanisms for health assessments to play a role in the licensing process;
 - c) reduce the duration of firearms licences from ten to five years for first time applicants and limit the duration of firearms licences to five years for those who have previously had their licence revoked, surrendered or expired;
 - d) provide for ongoing inspection of firearms and storage arrangements; and
 - e) provide explicitly for fees to be fixed on the basis of cost recovery.
- 3 Our Terms of Reference precluded recommendations on the regulation of semi-automatic firearms and the legislative structure of the firearms licensing process. So it is not open to us to recommend legislative changes affecting the way in which the fit and proper person test is applied. On the other hand, we could make recommendations on the administration of this test by New Zealand Police. Complicating the situation is that any changes we recommend might be addressed by changes in New Zealand Police practice or legislatively, as demonstrated by recent amendments to the Arms Act 1983.
- 4 The firearms licensing system is required to give effect to the legislative framework in which it operates. For the most part, the issues we have identified with the firearms licensing system (and which we discuss in this chapter) were recognised and understood by New Zealand Police before 15 March 2019 and have been addressed by legislation passed after 15 March 2019.
- 5 Against this background the practical scope for recommendations is more limited than would otherwise be the case.

- 6 All of that said, some evaluation of the way in which the firearms licensing system operated prior to 15 March 2019 is necessary because:
- a) it provides an important part of the explanation for why the individual's firearms licence application was granted and the context in which those who dealt with that application were acting;
 - b) an understanding of why the firearms licensing process was less than ideal may provide some assistance for the future;
 - c) the ease with which restrictions on military style semi-automatic firearms could be exploited explains why the individual was able to legally acquire the components of the military style semi-automatic rifles he used in the terrorist attack;
 - d) more generally, the fact that known risks and deficiencies in the firearms licensing system were not addressed warrants mention; and
 - e) finally, we consider that, despite the direction in our Terms of Reference, there remains scope for some recommendations.

4.2 Overview of this chapter

- 7 In the rest of this chapter, we discuss:
- a) the general operation and scale of the firearms licensing system;
 - b) the overall effectiveness of the firearms licensing system;
 - c) the social and political context in which the firearms licensing system operates;
 - d) resourcing;
 - e) issues with administration;
 - f) the limited guidance given by the *Arms Manual*, the *Master Vetting Guide* and the *Firearms Licence Vetting Guide*;
 - g) the ease of obtaining a firearms licence;
 - h) reviews, reports and commentary on the firearms licensing system; and
 - i) our conclusions on the firearms licensing system.

4.3 The general operation and scale of the firearms licensing system

- 8 As at 31 October 2018, there were 248,764 current firearms licences, including standard, dealer and visitor licences.
- 9 Firearms licensing is largely administered by New Zealand Police on a District by District basis, with the exception of certain statutory powers that are exercised within the Arms Act Service Delivery Group in Police National Headquarters. These exceptions are not material for present purposes.
- 10 Records of legally-owned firearms were kept only for military style semi-automatic firearms, pistols and restricted weapons. These were based on permits to import and procure and were not part of a formal registry. There is no record of the total number of firearms in legal ownership in New Zealand and, of course, the number of illegally-owned firearms is unknown. There have been a range of estimates:
- a) In 1997, the Thorp Report estimated the total number of civilian-owned firearms in New Zealand, including both legal and illegal firearms, to be between 700,000 and 1,000,000. This included an estimated 20,000 to 30,000 military style semi-automatic firearms.¹⁴
 - b) In 2014, New Zealand Police estimated the total number of civilian-owned firearms to be around 1.2 million.
 - c) A 2018 report estimated that there were 1.212 million civilian owned firearms – approximately 2.6 firearms for every ten people.¹⁵ Of these, 65,837 were military style semi-automatic firearms, pistols and restricted weapons recorded as held by 9,722 licensed owners.¹⁶ Around two thirds of the 65,837 were pistols.¹⁷
- 11 There are fewer licences than firearms, as many firearms licence holders own more than one firearm. Although the numbers are only rough estimates, dividing the number of firearms (approximately 1.2 million) by the number of licensees (approximately 250,000) suggests that licence holders, on average, own just under five firearms. This indicates that the number of firearms owned by the individual (six as at 15 March 2019) was not unusual within the firearms community.

¹⁴ Sir Thomas Thorp KNZM, footnote 2 above at pages 27-28.

¹⁵ Aaron Karp *Estimating Civilian-held Firearms Numbers* (Australian Department of Foreign Affairs and Trade, Australia, 2018). See also S Every-Palmer and others “The Christchurch mosque shooting, the media, and subsequent gun control reform in New Zealand: a descriptive analysis” (2020) *Psychiatry, Psychology and Law* at page 1; and Nathan Swinton *A Turning Point for Firearms Regulation: Implications of Legislative and Operational Reforms in the Wake of the Christchurch Shootings* (Ian Axford (New Zealand) Fellowships in Public Policy, September 2019) at page 21.

¹⁶ New Zealand Police *Official Information Act Disclosure IR-01-18-11101* (29 November 2018).

¹⁷ New Zealand Police *Official Information Act Disclosure IR-01-18-12383* (29 November 2018).

Figure 18: Firearms licences by District, number of firearms staff and new standard firearms licence applications granted and denied in 2017

Northland

13,398
Holders

403
Granted

14
Number of
firearms staff

8
Denied

1.99%
Applications
declined

Auckland City

5,972
Holders

280
Granted

11
Number of
firearms staff

5
Denied

1.79%
Applications
declined

Counties Manukau

12,023
Holders

512
Granted

11
Number of
firearms staff

10
Denied

1.95%
Applications
declined

Waitematā

15,044
Holders

612
Granted

17
Number of
firearms staff

8
Denied

1.31%
Applications
declined

Bay of Plenty

25,430
Holders

896
Granted

22
Number of
firearms staff

13
Denied

1.45%
Applications
declined

Waikato

22,906
Holders

635
Granted

34
Number of
firearms staff

9
Denied

1.42%
Applications
declined

Central

26,951
Holders

905
Granted

39
Number of
firearms staff

17
Denied

1.88%
Applications
declined

Tasman

19,110
Holders

511
Granted

25
Number of
firearms staff

11
Denied

2.15%
Applications
declined

Eastern

15,910
Holders

495
Granted

21
Number of
firearms staff

4
Denied

0.81%
Applications
declined

Wellington

15,909
Holders

534
Granted

20
Number of
firearms staff

6
Denied

1.12%
Applications
declined

Southern

32,878
Holders

963
Granted

67
Number of
firearms staff

25
Denied

2.6%
Applications
declined

Canterbury

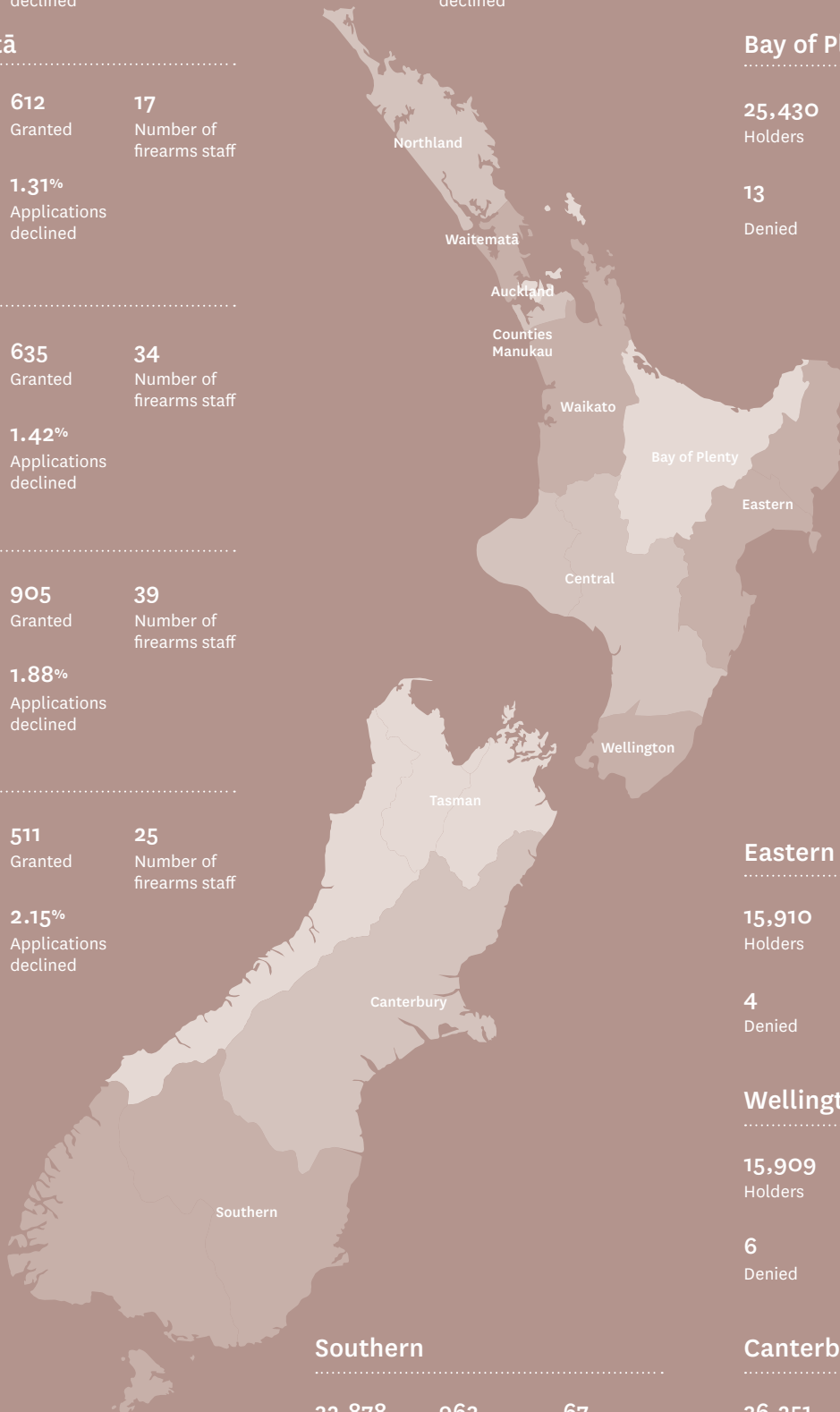
36,251
Holders

1241
Granted

44
Number of
firearms staff

22
Denied

1.77%
Applications
declined



4.4 The overall effectiveness of the firearms licensing system

- 12 By international standards, New Zealand's firearms licensing process is strict due to the requirements for referees, face-to-face interviews with applicants and referees and inspection of firearms storage arrangements. And, on the whole, before 15 March 2019 the licensing system appeared to have been reasonably successful, at least as measured by the limited number of its failures.
- 13 There were 2,181 hospitalisations due to firearms-related injuries between 2000 and 2017, an average of 121 per year.¹⁸ There were 867 firearms deaths from 2000 to 2015, an average of 54 a year. The most common cause of death by firearm was suicide, accounting for around 40 deaths a year. Between 2010 and 2017 there were around seven homicides a year caused by firearms. Behind these statistics are a large number of incidents, all of which were serious and many tragic. That said, these are comparatively low figures, particularly allowing for the number of firearms in circulation, the availability of semi-automatic firearms and easily evadable controls in relation to military style semi-automatic firearms.

4.5 The social and political context in which the firearms licensing system operates

- 14 Over the last 30 years, firearms licensing and control in New Zealand has been controversial and has involved something of a cultural divide. Deficiencies in the firearms licensing system had been recognised in a number of reports and reviews. Changes to the firearms licensing system tend to involve additional expenses and inconvenience for, or restrictions on, firearms owners and are likely to attract their opposition. Given the number of firearms owners, their concerns are taken seriously by politicians. This, along with the perception that the licensing system was reasonably effective, contributed to a lack of political appetite for reform prior to 15 March 2019.
- 15 Licensed firearms owners engage closely with New Zealand Police. For some time relationships were difficult, as is apparent from issues (and litigation) involving New Zealand Police's administration of the rules about military style semi-automatic firearms. There were also issues with the timeliness (or otherwise) of the processing of firearms licence applications. A response was the 2013 establishment of the Firearms Community Advisory Forum. Its purposes were to improve the relationship between the firearms community and New Zealand Police and, in particular, to provide input to New Zealand Police on policy relating to the Arms Act and the Arms Regulations 1992 and review and make recommendations for consideration by New Zealand Police on firearms-related matters.

¹⁸ Marie Russell and Hera Cook *Fact Sheet: Firearms in New Zealand* (3 April 2019).

- 16 There was a sense that firearms licensing involves the delivery of a service for which licensed firearms owners are the customers. Consistent with this are an emphasis in the Key Performance Indicators for District Arms Officers on ensuring timely processing of applications and the 2017 establishment of the Arms Act Service Delivery Group within New Zealand Police. The two main objectives of the Arms Act Service Delivery Group are to improve the relationship with the firearms community and to improve how New Zealand Police administers the Arms Act. In doing so, the Arms Act Service Delivery Group aims to provide “a more customer-focused and efficient public service”.

4.6 Resourcing

- 17 The application fee for a standard firearms licence is \$123.75 and the licence is valid for ten years. As at 15 March 2019, fees charged for firearms licences had not increased since 1999. The fee is Goods and Services Tax (GST) inclusive. So at the time it was fixed, it represented a fee of \$110 and GST (at the then rate of 12.5 percent) of \$13.75. When GST was increased to 15 percent in 2010, the fee was not adjusted meaning that the fee excluding GST decreased from \$110 to \$107.60.
- 18 Under the firearms licensing system, fee recovery is confined to applications for firearms licences, renewals, endorsements and consents for gun shows. There are many other services New Zealand Police provide as part of the firearms licensing system, such as granting permits to import, that are not subject to fee recovery. Approximately 80 percent of firearms licensing fee revenue derived by New Zealand Police comes from application fees for standard licences.
- 19 New Zealand Police’s 2017–2018 annual report noted that in 2017–2018 the firearms licensing system cost approximately \$14 million to run. In the same financial year, \$3.63 million was received in firearms licence application fees, leaving New Zealand Police to meet the remaining \$10.40 million cost from their budget. The same annual report states “[d]ue to increased demand in other Police priority areas”, fewer resources were “available for licensing activities in the 2017–2018 year”.
- 20 The effect of this is that the more money spent on firearms licensing, the less New Zealand Police can spend on other areas of operations or projects. It would not be sensible for us to determine whether New Zealand Police “underspent” on firearms licensing because “too much” was spent on other areas, say family violence. What we can say is that the resources able to be committed to firearms licensing were constrained by the failure to increase the fees payable for firearms licence applications. Such fees are set by regulation and change would thus depend on a political decision leading to legislative action (in the form of an amendment to the Arms Regulations).

4.7 Issues with administration

- 21 Prior to 1992, standard firearms licences were valid for the licence holder's lifetime. The Arms Amendment Act 1992 reduced this to 10 years. The way this was implemented resulted in what New Zealand Police refer to as the "licensing bell curve". New Zealand Police receive approximately 13,000 applications annually for two years, followed by a three-year period of approximately 47,000 applications annually, followed by another two-year period of 13,000 applications. The variability in licensing renewals creates a number of issues for New Zealand Police, including pressures on funding and a requirement to hire contract staff to cover the additional workload in the busy years. All of this plainly put considerable pressure on those administering the system. We note that the individual's application was dealt with in a year of increased applications due to the licensing bell curve. For example, the Southern District – where the individual applied for his firearms licence – processed 5,737 firearms licence applications (including renewals) in 2017 (as compared to 3,159 in 2018).
- 22 Other administration issues frequently raised by those we spoke to were:
- a) Licensing processes are paper-based and require extensive double handling with consequent inefficiencies.
 - b) District firearms staff are given limited initial training and, in recent years, no ongoing training and current training standards are outdated and inconsistent across New Zealand Police.
 - c) As the licensing system is operated at a District level, there are significant inconsistencies from District to District.
- We deal with each of these points in turn.
- 23 The firearms licensing process is old-fashioned. It involves paper files, parts of which are sent by mail to Vetting Officers and then returned by mail to the District Arms Officer. There are associated requirements for stapling, unstapling and the use of sticky notes. Such a system is inefficient for firearms licensing staff. As well, it is not susceptible to effective monitoring and performance review. These inefficiencies meant District firearms staff spent a disproportionate amount of time on administrative tasks, at the expense of time available to assess the merits of firearms licence applications.

- 24 In dealing with interviews of applicants and referees, the *Firearms Licence Vetting Guide* is prescriptive in terms of the questions that must be asked. But the *Arms Manual* states:

The points set out in the formats are not exhaustive and vetters are encouraged to ask whatever extra questions they consider are appropriate in each case. There is a danger of interviews becoming stereotyped.

That is sensible advice. However, licensing staff are not trained to go beyond what is in the *Firearms Licence Vetting Guide*. There are no training opportunities to learn how to better assess difficult and marginal applications. Licensing staff are not trained to say “no” to applications. There was no system of performance review and no mechanism for identifying Vetting Officers whose interviewing practice had become entirely controlled by the *Firearms Licence Vetting Guide* or, to use the language of the *Arms Manual*, “stereotyped”.

- 25 The last issue concerning inconsistencies in the process can be demonstrated by applicants’ perceptions of the intensity of the vetting process and differing approaches to the substitution of a near-relative referee.
- 26 Some of those who made submissions to us described intense and exhaustive vetting processes, involving interviews extending over several hours, questioning about political and social views, up to six referees being required, medical certificates being sought and inquiries made in other countries. Other submitters, however, described processes that were light and in the nature of rubber-stamping.
- 27 We asked all of the District Arms Officers in New Zealand to describe the process in their District for determining whether an unrelated person who is to be substituted for a near-relative referee knows the applicant well enough to be suitable as a referee. The inconsistencies in practice are demonstrated by the answers below:
- a) One District Arms Officer told us that in their District the substituted referee must have known the applicant for at least two years.
 - b) One District Arms Officer told us that the substituted referee must have known the applicant for a sustained period – generally three to five years.
 - c) One District Arms Officer told us that it “would be expected that the referee nominated has known the applicant for a minimum of 12 to 18 months along with having had ongoing and regular contact”.

- d) One District Arms Officer told us that it is “[New Zealand] Police policy that the applicant is to provide a next of kin referee in New Zealand ... [and if] the applicant has no next of kin in New Zealand and [New Zealand] Police have no evidence to dispute this, then [New Zealand] Police are required to accept the referee provide[d] by the applicant”.
- e) One District Arms Officer told us that, in their District, if there is no near relative the applicant is required to nominate two additional unrelated referees.
- f) One District Arms Officer told us that it “would typically not be known until the interview was completed”, when the District Arms Officer would review the responses to the vetting questions (including the length of time the referee had known the applicant) to assess whether the referee knew the applicant well enough to provide reassurance that the applicant was a fit and proper person.

4.8 Limited guidance given by the Arms Manual, the Master Vetting Guide and the Firearms Licence Vetting Guide

- 28 New Zealand Police policy and guidance were tailored to an applicant who had spent all, or a considerable portion, of their life in New Zealand and could provide a near-relative referee and another person who both knew the applicant well and could be interviewed in person.
- 29 It was recognised that not every applicant would fit this model. To allow for this, a near-relative referee could be substituted with another referee. But there was no attention focused on:
 - a) whether it would be appropriate to conduct a phone or video interview with a near relative who lived overseas;
 - b) what should happen if a substitute for a near-relative referee, who knew the applicant “best in a personal sense”, did not know the applicant very well; and
 - c) the questions that should be asked of the substituted referee to test the depth of the relationship.
- 30 As we have explained, one of the purposes of interviewing a referee about their relationship with the applicant is to establish whether the referee knows the applicant well enough to adequately comment on whether the applicant is a fit and proper person to possess a firearm. Unfortunately, the *Arms Manual*, the *Master Vetting Guide* and the *Firearms Licence Vetting Guide* do not identify that this is the primary purpose of that part of the vetting exercise.

4.9 The ease of obtaining a firearms licence

- 31 A number of people told us that New Zealand Police tend to grant a firearms licence unless there are strong reasons to decline. The suggestion was that it is too easy to obtain a firearms licence. In support of this, reliance is placed on the limited number of refusals. The information we have been provided shows that only 2.1 percent of all new applications for standard firearms licences between 2014 and 2018 were declined by New Zealand Police.
- 32 Under the Arms Act, a firearms licence is not to be granted unless the relevant member of New Zealand Police is “satisfied that the applicant is a fit and proper person to be in possession of a firearm”. Obviously, it is for the applicant to satisfy the fit and proper person test. There are, however, some complicating factors:
- a) As noted above, a non-sworn member of Police can grant a firearms licence but only a police officer of the rank of inspector or above may decline one. For those who are working in the system, this might be taken to suggest that refusal of a firearms licence is more significant than a grant and, perhaps, that applications are to be granted unless there is good reason not to.
 - b) There is a practical, if not legal, requirement for administrative decisions, particularly those that are able to be appealed, to be supported by reasons.¹⁹
 - c) If an applicant asserts good character, is supported by referees and has no disqualifying factors on their National Intelligence Application profile (such as a history of family violence), a police officer of the rank of inspector or above may have found it difficult to refuse a firearms licence based on the fit and proper person test. One reason could be insufficient evidence from an applicant – for instance, in the case of an applicant who had recently arrived in New Zealand. However, New Zealand Police policy and operational guidance were of limited assistance on this point.

¹⁹ We say “practical” requirement because there is no general obligation to provide reasons in New Zealand. See *R v Awatere* [1982] 1 NZLR 644 (CA); and *Lewis v Wilson & Horton* [2000] 3 NZLR 546 (CA). The Supreme Court declined to revisit this position in *Manukau Golf Club Inc v Shoye Venture Ltd* [2012] NZSC 109, [2013] 1 NZLR 285. See *Manukau Golf Club Inc v Shoye Venture Ltd* [2012] NZSC Trans 14 at pages 2–4 and 14–20. For an analysis of the requirement to give reasons in a judge-alone trial in criminal proceedings, see *Sena v Police* [2019] NZSC 55, [2019] 1 NZLR 575.

d) Adding to this is the case law on firearms licence refusals and revocations. Under section 62 of the Arms Act there was a right of appeal to the District Court against the refusal or revocation of a firearms licence. A number of the judgments dealing with the appeals suggested New Zealand Police had adopted an approach to the fit and proper person test that was too strict.²⁰ These cases generally indicate judicial tolerance for granting or not revoking a firearms licence despite applicants or firearms licence holders (as the case may be) having sometimes serious convictions.²¹

33 In addition, we would note that the low level of refusals – 2.1 percent of all new applications for standard licences – is not necessarily indicative of a lax approach to granting firearms licences. The firearms licensing process has a gate-keeping role in that applicants who are unlikely to be successful are unlikely to apply. A potential applicant who has, for example, a long history of criminal offending is unlikely to waste the application fee knowing that their application will likely be declined.

34 We are not in a position to assess whether it has been “too easy” to obtain a firearms licence. This would require extensive analysis of a range of material held by New Zealand Police, including application files and the subsequent conduct of those who were granted firearms licences. The licensing process has changed since 15 March 2019. So, the cost of such an exercise in terms of time and money would heavily outweigh the possible benefits.

4.10 Reviews, reports and commentary on the firearms licensing system

35 The 1997 Thorp Report concluded there was “a need for radical reform of the firearms laws”.²² It also noted that the distinction between military style semi-automatic firearms and other semi-automatic firearms had “proved to be problematic at best since 1992” and that “the potential for evasion of the law is too great”.²³ Its 60 recommendations included the following proposals:²⁴

a) Military style semi-automatic firearms should be banned (with an exemption for people working in animal pest control, if no other firearm would be equally effective for their particular business).

²⁰ For a sample of cases where the decision to refuse or revoke a firearms licence (made by a police officer with the rank of inspector or higher) has been overturned on appeal, see *Jenner v Police*, footnote 10 above; *Police v Cottle*, footnote 9 above; *Flynn v Police*, footnote 12 above; *Mallasch v Police*, footnote 11 above; *Dobbs v Police* [1992] DCR 650 (DC); *Gadsby v Police* DC Masterton CIV-2012-035-000064, 11 May 2012; *Hubber v New Zealand Police* DC Invercargill CIV 2012-025-000501, 8 July 2013; *Hore v Police* [2017] NZDC 5263; *[Park] v Police* [2018] NZDC 5946; *Lincoln v Police* DC Palmerston North 281-95, 24 November 1995; *Twining v Holland* DC Pukekohe MA 338-91, 12 August 1992; *O’Loughlin v Police* [2001] DCR 488 (DC); *De Pina v New Zealand Police* DC Hamilton CIV-2006-019-000459, 25 August 2006; and *Carruthers v New Zealand Police* DC Opatiki CRI-2011-047-000050, 12 April 2012.

²¹ See, for example, *Jenner v Police*, footnote 10 above, where the applicant had 17 prior convictions for breaches of the Arms Act.

²² Sir Thomas Thorp KNZM, footnote 2 above at page 237.

²³ Sir Thomas Thorp KNZM, footnote 2 above at page 137.

²⁴ Sir Thomas Thorp KNZM, footnote 2 above at pages 239–242.

- b) All other style semi-automatic firearms should be limited to a magazine capacity of seven cartridges.
- c) The licensing system should be replaced by a combined licensing and registration system based on three-year firearm-specific licences.
- d) There should be an attempt to define, in consultation with representatives of New Zealand Police, psychiatrists, firearms users and family violence workers, a list of characteristics likely to make a person unsuitable to possess firearms. The list would be used to guide Vetting Officers.
- e) People who commit certain offences should be disqualified from holding a firearms licence for a set period.
- f) Two referees should be consulted as part of the vetting process (in all but exceptional cases).
- g) If there are concerns about the suitability of a firearms licence applicant, New Zealand Police should consult an independent referee.
- h) An applicant's mental health information should be able to be shared by health professionals with New Zealand Police, if it would be relevant to a firearms licensing decision.

36 The Thorp Report also recommended that an independent Firearms Authority be established to manage implementation of the Report's recommendations and to be responsible for the administration of firearms control for either five years or on a permanent basis.²⁵ This was to avoid New Zealand Police's "ingrained attitudes" in relation to firearms control, which were seen as possibly preventing the recommendations being successfully implemented.²⁶

37 The Thorp Report had little immediate impact. Following the report, New Zealand Police indicated that many of the recommendations were already part of their practices.²⁷ Other recommendations were not accepted because they had "significant financial, policy or legislative implications for Government".²⁸ Tighter control of semi-automatic firearms did not eventuate. An attempt in 1999 to introduce a firearms register²⁹ did not succeed.³⁰ Similarly, a separate attempt to establish an independent Firearms Authority,³¹ as proposed in the Thorp Report, failed.³²

²⁵ Sir Thomas Thorp KNZM, footnote 2 above at page 231.

²⁶ Sir Thomas Thorp KNZM, footnote 2 above at page 225.

²⁷ Arms Amendment Bill (No 3) 2005 (248-1) (explanatory note) at page 2.

²⁸ Arms Amendment Bill (No 3) 2005 (248-1) (explanatory note) at page 2.

²⁹ Arms Amendment Bill (No 2) 1999 (312-1).

³⁰ Arms Amendment Bill (No 3) 2005 (248-1) (explanatory note) at page 2.

³¹ Firearms Authority Bill 1999 (290-1).

³² New Zealand Parliamentary Debates (30 June 1999) volume 578 at page 885.

- 38 Prior to 15 March 2019, there were other reviews or commentary in relation to the firearms licensing system. In particular, a report produced in 2011 by the Combined Threat Assessment Group titled *Availability of Firearms in New Zealand to Terrorists, Violent Extremists and Acutely Disaffected Persons*, two New Zealand Police assessments in 2014 *The Right-wing in New Zealand: Myth vs Reality* and *Domestic Extremism: Unlikely but not out of the question*, a comprehensive review carried out by New Zealand Police of the management and administration of firearms that was presented to New Zealand Police's Executive in May 2015, a 2017 Report of the Law and Order Select Committee of Parliament *Inquiry into issues relating to the illegal possession of firearms in New Zealand* and the 2017 New Zealand Police Briefing to the Incoming Minister.
- 39 The assessments by the Combined Threat Assessment Group and New Zealand Police are discussed in more detail in Part 8, chapter 4. For present purposes, we note that the Combined Threat Assessment Group identified that a terrorist or violent extremist could legally acquire firearms, including military style semi-automatic firearms, for use in an attack. In addition, New Zealand Police in their 2014 assessments noted the propensity for right-wing extremists to acquire and use firearms. They also concluded that the relative ease of access to semi-automatic firearms in New Zealand meant that a lone actor terrorist attack remained a possibility.
- 40 The other documents referred to above cover much of the same ground in relation to the firearms licensing system as we have, including the ineffective regulation of semi-automatic firearms and issues with the firearms licensing process.
- 41 In June 2017, New Zealand Police established the Arms Act Service Delivery Group. The three key areas of opportunity and focus for the Arms Act Service Delivery Group were:
- a) the need for consistency in how firearms administration is undertaken within and across Districts, including staff training and development of national standards;
 - b) better and more frequent communication and engagement between New Zealand Police and the firearms community; and
 - c) the introduction of digital options and automation to reflect an increasingly digital community, while retaining paper-based options for those who cannot, or prefer not to, use digital channels.
- 42 The Arms Act Service Delivery Group implemented some changes to the firearms licensing process. For example, in March 2018, a centralised team responsible for granting import permits was established to ensure consistency across the different Districts and, in July 2018, the Firearms Safety Course required to be undertaken by first time applicants was changed to include a practical component. As well, the Arms Regulations were changed to allow electronic filing of applications.

- 43 In November 2018, the Arms Act Service Delivery Group presented a paper to New Zealand Police's Senior Leadership Team titled *Proposal to change the management and administration of Arms Act*. It proposed:
- a) establishing a service centre model with administration in a central location, and dedicated Arms Officers in Districts;
 - b) managing all firearms administration costs from a single cost centre and enabling (over time) full cost recovery;
 - c) providing dedicated firearms training and review resources to ensure New Zealand Police employees have the skills and knowledge to create trust and confidence in New Zealand Police across the country;
 - d) freeing up senior leaders' time from administrative work (licence revocation preparation work as an example) to concentrate on staff management and freeing up District Arms Officers to interact with the community rather than sitting at their desks;
 - e) building a modern online application service with workflow and graduated response processing to give a faster and easier application process with no loss of rigour; and
 - f) initiating proactive reviews of firearms community members supported by a robust and consistent revocation process.
- 44 The paper was largely endorsed by New Zealand Police's Senior Leadership Team.
- 45 Beginning in June 2018, the Arms Act Service Delivery Group met with firearms staff, members of the firearms community and iwi representatives across New Zealand to discuss the firearms licensing process. On 29 January 2019, the Arms Act Service Delivery Group produced a consultation document, based on its nationwide discussions, on proposed changes to the operating model and organisational structure for the administration of the Arms Act. The results of the internal consultation were due to be announced in early April 2019. This was postponed following the terrorist attack on 15 March 2019.

4.11 Concluding comments on the firearms licensing system

- 46 How semi-automatic firearms ought to be controlled is a matter of legislative judgement. For this reason, we take the balance struck by Parliament in 1992 as our starting point. Under this balance, a person holding a standard firearms licence could acquire and possess a semi-automatic firearm providing it lacked certain features and was not fitted with a large capacity magazine. A firearms licence holder required an E Endorsement to lawfully acquire and possess a semi-automatic firearm with a large capacity magazine. But because large capacity magazines could be lawfully acquired without producing a standard firearms licence, let alone one with an E Endorsement, these restrictions were easily gamed. And more generally, the policy of the 1992 amendments of limiting the number of military style semi-automatic firearms in New Zealand through import controls and the permit to procure requirement had been ineffective.
- 47 That the distinction between military style semi-automatic firearms and other semi-automatic firearms was “problematic” and there was the “potential for evasion” were recognised in the 1997 Thorp Report, more than 20 years before the events of 15 March 2019. And the potential for a terrorist to use semi-automatic firearms was explicitly recognised in 2011 by the Combined Threat Assessment Group and in 2014 by New Zealand Police assessments.
- 48 As at 15 March 2019, the firearms licence application fee was \$123.75, a level at which it had been fixed since 1999. Under administrative law principles, revenue from fees charged sets a practical base for the funding of the operation of the firearms licensing system. In other words, New Zealand Police could not spend less on firearms licensing than they charged. But the firearms licensing system cost New Zealand Police far more than the revenue it produced, which constrained the resources that were devoted to firearms licensing. So, Vote Police money (funded by the taxpayer) subsidised the administration of the firearms licensing process. Cost recovery was far from complete. In the 2017–2018 year recoveries were \$3.63 million against costs of \$14 million.
- 49 The operation of the firearms licensing process was constrained by three external factors:
- a) the resources available;
 - b) the structure of section 24 of the Arms Act, which created different decision paths for granting and refusing licence applications; and
 - c) the drift of the District Court judgments that were in favour of those challenging refusals or revocations of firearms licences.

- 50 The firearms licensing process was further affected by the following factors:
- a) Its paper-based nature.
 - b) The absence of training and performance monitoring of firearms licensing staff responsible for administering the process.
 - c) A failure to ensure that the guidance given by policy and operational documents addressed more than the typical applicants who had lived their lives in New Zealand and had backgrounds that could be easily checked. As a result there was a lack of coherent guidance as to how to deal with those who had only recently come to New Zealand. There was no policy requiring such applicants to produce their criminal history reports from home jurisdictions and no specific guidance to licensing staff on how to apply referee requirements where a near-relative referee could not be interviewed in person.
- 51 The combined limitations in the guidance provided by the *Arms Manual*, the *Master Vetting Guide* and the *Firearms Licence Vetting Guide*, and the lack of training, meant that those who administered the firearms licensing process were not well-placed to form and apply evaluative judgements in marginal cases. As we will explain in chapter 6 of this Part, this is illustrated by the way in which the individual's licence application was handled.

Chapter 5: The process by which the individual obtained a firearms licence

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5.1 Overview

- 1 In this chapter we discuss the steps in the firearms licensing process that resulted in the individual being granted a firearms licence. Our account is purely descriptive. An evaluation of the adequacy of the process is provided in chapter 6 of this Part.
- 2 We held a hearing with the firearms licensing staff from New Zealand Police who dealt with the individual's firearms licence application. The hearing involved separately interviewing each of the firearms staff (under oath or affirmation) on the same day. The purpose of the hearing was to develop a better understanding of the process by which the individual obtained a firearms licence and to identify any issues with the process that was followed.

5.2 The application

- 3 On 1 September 2017, the individual took the first step towards obtaining a firearms licence by paying the application fee. This was only 15 days after he arrived in New Zealand. Four days later, on 5 September 2017, he undertook and passed the then required theoretical Firearms Safety Course.
- 4 We considered producing extracts from the individual's application (as we have for the vetting interview records) but that form consists primarily of identifying details that would have to be redacted. Redacted in this way the form would contain no useful information that goes beyond the description that now follows.
- 5 On his application, the individual identified his sister Lauren Tarrant (along with her Australian address) and gaming friend as his referees. Upon receipt of the application, the Licensing Clerk for Dunedin spoke to him by phone, telling him that because his sister lived in Australia and could not be interviewed face-to-face, he would need to provide another referee.
- 6 The individual subsequently nominated gaming friend to replace his sister and gaming friend's parent to be his other referee. The Licensing Clerk drew a line through Lauren Tarrant's details on the application form and an arrow from gaming friend's details to the space where Lauren Tarrant's details had been recorded and noted gaming friend's parent as his second referee. A sticky note was attached to the front of the individual's application form by the Licensing Clerk indicating that gaming friend's parent would be the "new unrelated referee". The effect of the form as amended was that gaming friend was treated as the near-relative referee.



- 7 When giving evidence to us, the Licensing Clerk did not remember the details of the interactions with the individual but was reasonably confident that they had asked the individual how long he had known gaming friend. This would have been in accordance with the usual process in relation to referee substitution.
- 8 The application form recorded the details of both referees, with the address of the two referees being the same and located in Waikato. It also described the relationship between the individual and both referees as “friend”.
- 9 Other information provided by the individual on his application form included that he was unemployed and he was born in Australia.
- 10 Having provisionally accepted the referees as suitable, the Licensing Clerk entered the individual’s application into New Zealand Police’s National Intelligence Application database on 19 September 2017. The Licensing Clerk completed the National Intelligence Application checks on the individual and the two referees and placed the results on the licence application file.
- 11 Gaming friend and their parent both held firearms licences with B and E Endorsements. This entitled them to possess pistols and military style semi-automatic firearms and indicated that they had already been subject to New Zealand Police vetting that was more extensive than that required for the standard firearms licence the individual was applying for.
- 12 The individual’s National Intelligence Application printout contained minimal information. He had no criminal history and no known criminal associates. The only additional information on his National Intelligence Application record, besides his name and contact details, related to his car accident in 2013 (see *Part 4: The terrorist*).
- 13 The individual’s contact details recorded two home addresses, the first being an address in Grafton, Australia. This was the address given by the individual when his details were recorded by a New Zealand Police Officer who attended the car accident in 2013. The second was the individual’s Dunedin address.
- 14 Gaming friend was known to New Zealand Police and New Zealand Customs Service due to their attempted importation of an offensive weapon and firearm parts without the necessary permits to import. This information was on their National Intelligence Application printout when the Firearms Licensing Clerk reviewed it. New Zealand Customs Service’s records note the following:



- a) In May 2014, gaming friend tried to import a knuckleduster knife. Knuckledusters are considered offensive weapons and require a New Zealand Police permit to import them. The item was intercepted by New Zealand Customs Service at the border. New Zealand Customs Service officers contacted New Zealand Police who confirmed that gaming friend did not have the necessary permit. The knuckleduster knife was, therefore, seized.
- b) In December 2015, gaming friend tried to import four firearm parts – one cheek riser for a Magpul CTR/MOE stock, one AK47 Nato US stock, one AR15 buttstock extension tube and one AKM4 stock adapter for a collapsible stock. The items were intercepted by New Zealand Customs Service at the border. As gaming friend did not have the required import permit, the items were seized.
- 15 Following the December 2015 incident, the District Arms Officer in Waikato contacted gaming friend, gave them a verbal warning and told them that they would not receive the items.
- 16 The National Intelligence Application printout for gaming friend’s parent showed they had four convictions:
- a) refusing an officer’s request to undergo an evidential blood test on 14 July 1989;
- b) producing a logbook³³ that contained false particulars on 14 July 1989;
- c) producing a logbook that omitted a material particular on 14 July 1989; and
- d) driving with an excess proportion of alcohol in their breath on 15 March 1991.
- 17 The Licensing Clerk and former District Arms Officer both gave evidence that, although they could not remember the specifics of the application, they would have discussed between themselves the appropriateness of gaming friend and their parent as referees. Neither regarded the information on the National Intelligence Application forms as disqualifying them from being referees. As noted above, gaming friend and their parent were firearms licence holders with B and E Endorsements. The incidents recorded in the National Intelligence Application had not been serious enough to prevent gaming friend and their parent obtaining, or to result in them losing, their endorsements or their firearms licences. That they held licences and endorsements was seen as outweighing the incidents recorded on the National Intelligence Application.
- 18 Being satisfied that gaming friend and their parent were appropriate referees, and there being no information on the individual’s National Intelligence Application to disqualify him from applying for a firearms licence, the former District Arms Officer arranged for the relevant parts of the file to be sent to Vetting Officers.

³³ Logbooks are required to be filled out by drivers of certain vehicles (for example, vehicles that are used in a transport service). These logbooks must contain certain details, such as start and finish times for all periods of work. It is an offence to produce a logbook that omits one of the required details or to produce a logbook that contains false details.



- 19 The individual and his referees lived in different Districts. This required different Vetting Officers to conduct the interviews. A part file was sent to each Vetting Officer, containing the part of the *Firearms Licence Vetting Guide* relevant to the interview being conducted by the particular Vetting Officer. The former District Arms Officer did not direct the Vetting Officers to make particular inquiry (that is beyond what is provided for in the *Firearms Licence Vetting Guide*) into the relationships between the individual and his referees.
- 20 The individual was interviewed at his home by a Dunedin-based Vetting Officer (Dunedin Vetting Officer) on 4 October 2017. He told the Dunedin Vetting Officer that he had previously resided in New South Wales, had moved to his Somerville Street address five weeks earlier and was unemployed.

Figure 19: Extract 1 from the notes of the individual's vetting interview

Tell me how long you have been at your present address, and what was your previous address?

5 weeks Previous address: [REDACTED] NSW 2656

Tell me how long you have been in your job and what you do?

Unemployed - Have been travelling and now looking for work.

Unemployed - Have been travelling and now looking for work.

- 21 When asked why he wanted a firearms licence, the individual said that he wanted it for hunting, leisure, target shooting and sport.

Figure 20: Extract 2 from the notes of the individual's vetting interview

Tell me your reasons for wanting a licence

Hunting & leisure.
Target & sport.

Hunting & leisure. Target & sport.



- 22 The individual told the Dunedin Vetting Officer that he intended to use firearms at rifle and pistol clubs and “hunting locally”. He described his experience with firearms as consisting of going to “the range with a friend a few times”. The individual said he was interested in using firearms for the purposes of “target shooting”.

Figure 21: Extract 3 from the notes of the individual’s vetting interview

Where do you intend to use the firearm(s)?	At the rifle and pistol clubs. Hunting locally.
Tell me about your experience with firearms?	To the range with a friend a few times.
Tell me about your firearm interests, e.g. collecting, target shooting etc?	Target shooting

At the rifle and pistol clubs.

Hunting locally.

To the range with a friend a few times.

Target shooting.

- 23 He also stated that he had no psychological conditions, substance abuse issues or head injuries and was not using any medication.



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Figure 22: Extract 4 from the notes of the individual’s vetting interview

Do you, or anyone in your household, or anyone who regularly visits have (or has had in the past) any of the following:

Category	Applicant			Other person/s		
	Yes	No	Don't know	Yes	No	Don't know
1. Psychological or psychiatric disorder or illness of any kind	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Anxiety	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Depression	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Stress disorder	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Post traumatic reactions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Substance misuse (including alcohol)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. On any medication	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Disordered interpersonal relationships	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Aggression	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Emotional problems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Mental breakdown of any kind	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Exhibited behaviours suggesting anger or violence (including domestic violence)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Any head injury requiring treatment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Fits, dizziness, blackouts	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Any convictions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Any other involvement with police	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17. Associations with any gang, criminal group/individual or activity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

24 The individual said he considered himself to be suitable to have firearms because he was “a responsible person” and he did not have any concerns for the safety of any person if he had firearms. He said he held this view because did not “have any [enemies]”. The individual did not know of any other relevant information that may have impacted the decision to issue him with a firearms licence.



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Figure 23: Extract 5 from the notes of the individual’s vetting interview

Applicant’s attitude towards firearms

Do you consider that you are suitable to have/have access to firearms? Yes No

Why do you hold this view? I’m a responsible person.

Would you have any concerns for the safety of any person if you had a firearm(s)? Yes No

Why do you hold this view? I don’t have any enemies.

Is there any other information which may have bearing upon the decision by police to issue you with a firearms licence? Yes No

Comment/details: N/A.

I’m a responsible person.

I don’t have any [enemies].

N/A [not applicable].

- 25 He claimed to have “now met people at pistol and rifle clubs”. In their notes, the Dunedin Vetting Officer recorded that the individual “did not show any unusual behaviour during the visit or interview”.



Figure 24: Extract 6 the notes of the individual's vetting interview

Licensing Vetting Officer's observations and notes

The individual	did not show any unusual behaviour during the visit or interview.
The individual	also has purchased a H&F firearms safe with a capacity for 10 firearms and has a locked built-in compartment for ammunition and parts. Still to be installed.
The individual	has said he has travelled extensively for a few years, and has returned to Dunedin to settle down. He has now met with people in a rifle and pistol clubs.

[The individual] did not show any unusual behaviour during the visit or interview.

[The individual] also has purchased a H&F firearms safe with a capacity for 10 firearms and has a locked built-in compartment for ammunition and parts. Still to be installed.

[The individual] has said he has travelled extensively for a few years, and has returned to Dunedin to settle down. He has now met with people in a rifle and pistol clubs.

- 26 The Dunedin Vetting Officer also checked and confirmed that the individual had appropriate firearms storage facilities in his home. As a result the Dunedin Vetting Officer recommended that the application be approved.



Figure 25: Recommendation by the Dunedin Vetting Officer

MANDATORY: For Licensing Vetting Officer

2. Recommendation

To be completed by the Licensing Vetting Officer (Police Employee)

Summary statement as to applicant's suitability to hold a firearm licence, and the suitability of the applicant's security arrangements.

Applicant: **The individual** appears to be a sound person who shows good attitudes and safety sense with the use of firearms.

Security: Security cable and lock secured around concrete pile in a locked-off section of the locked basement. Parts and ammunition to be stored in safe.

Recommendation

I recommend the applicant be issued a firearm licence

I do NOT recommend the applicant be issued a firearms licence

Licensing Vetting Officer/
Police Employee name: **Dunedin Vetting Officer**

Signature: **[Redacted]**

Date: 20.10.2017

Applicant: *[The individual] appears to be a sound person who shows good attitudes and safety sense with the use of firearms.*

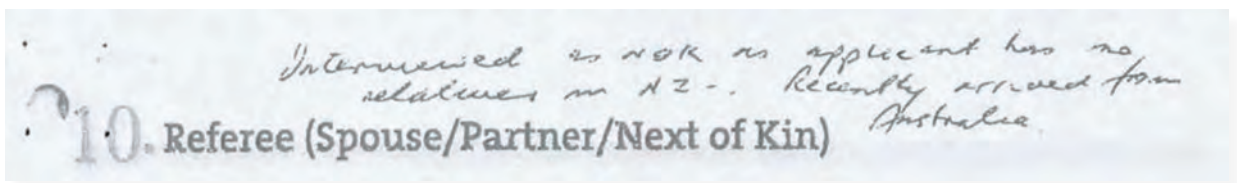
Security: *Security cable and lock secured around concrete pile in a locked-off section of the locked basement. Parts and ammunition to be stored in safe.*

- 27 A different Vetting Officer (Waikato Vetting Officer) carried out interviews with gaming friend on 30 October 2017 and gaming friend's parent on 2 November 2017, both at their home in Waikato. That Waikato Vetting Officer had previously audited their secure storage facilities for their pistols and military style semi-automatic firearms.



- 28 At the top of the *Firearms Licence Vetting Guide*, the Waikato Vetting Officer recorded that gaming friend was being interviewed as a substitute for the near-relative referee as the individual had “no relatives” in New Zealand. They also noted that the individual had “recently arrived from Australia”. During the vetting interview, gaming friend described the individual as a friend. They said that their initial contact with the individual, ten years earlier, had been through “video games etc” and that they had been in regular contact since. They noted the individual was an Australian, “widely travelled” and had recently come to New Zealand and would “probably settle here”.

Figure 26: Extracts 1, 2 and 3 from the notes of gaming friend’s vetting interview



Interviewed as NOK [next of kin] as applicant has no relatives in NZ. Recently arrived from Australia.

Is the photo a good likeness and are the applicant's details correct? Yes No

What is your relationship to applicant?

How long have you known the applicant?

Do you live with the applicant? Yes No How long?

How would you describe this relationship?

Any further comment?

Made contact 10 yrs ago via video games etc – Regular contact. He’s widely travelled. From Australia – recently came to NZ, will probably settle here.

- 29 Gaming friend’s parent also described the individual as a friend and said they had known him for four years.



Figure 27: Extract 1 from the notes of gaming friend's parent's vetting interview

Is the photo a good likeness and are the applicant's details correct? Yes No

How long have you known the applicant? 4 yrs

What is your relationship to applicant? FRIENDS

- 30 The vetting notes record that gaming friend said the individual wanted access to firearms for the purpose of recreational hunting and, possibly, access to B Endorsements later for competition shooting. The answer of gaming friend's parent was similar, but also noted that the individual wished to carry out target shooting.

Figure 28: Extract 4 from the notes of gaming friend's vetting interview

For what purpose do you think the applicant needs (access to) firearms?

For recreational hunting

Maybe a B endorsement later for competitions.

For recreational hunting.

Maybe a B endorsement later for competitions.

Figure 29: Extract 2 from the notes of gaming friend's parent's vetting interview

For what purpose do you think the applicant needs (access to) firearms?

For hunting and targets

For hunting and targets.



- 31 Both referees considered the individual to be safe with firearms. Gaming friend said the individual was “well aware of safety and proper handling of firearms” and that he was a sensible, responsible person. Gaming friend’s parent stated that the individual was a “good, outstanding young man” and gave their opinion that the individual was “good and safe” with firearms.

Figure 30: Extracts 5 and 6 from the notes of gaming friend’s vetting interview

Describe the applicant's attitude to, and behaviour with, firearms? How do you know this?	Good - well aware of safety
	and proper handling
	Personal observation

Good – well aware of safety and proper handling.

Personal observation.

Do you consider the applicant suitable to have/have access to firearms?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Why do you hold this view?	A sensible responsible person

A sensible responsible person.



Figure 31: Extracts 3 and 4 from the notes of gaming friend's parent's vetting interview

Do you consider the applicant suitable to have/have access to firearms? Yes No

Why do you hold this view?

A good outstanding young man.

A nice person.

A good outstanding young man.

A nice person.

Describe the applicant's attitude to, and behaviour with, firearms?
How do you know this?

Good and safe.

Personal observation

Good and safe.

Personal observation.

- 32 Both referees said that they had shot with the individual and supported his application (see Part 4, chapters 2 and 4).

Figure 32: Extract 7 from the notes of gaming friend's vetting interview

What is the applicant's experience with firearms?

Been to range with me 3 times,

Used A & B category firearms

Been to range with me 3 times, used A & B category firearms.



Figure 33: Extract 5 from the notes of gaming friend’s parent’s vetting interview

What is the applicant's experience with firearms?

Been out with me - done some range shooting and instructed in care and safety with firearms

Been out with me – done some range shooting and instructed in care and safety with firearms.

- 33 Gaming friend’s parent was asked “Do you know of any reason whatsoever as to why police should refuse to issue a firearms licence to the applicant?” They replied “No”. When asked “Why do you hold this view?”, gaming friend’s parent’s response is recorded as “No reasons known” and “Fully supportive”.

Figure 34: Extract 6 from the notes of gaming friend’s parent’s vetting interview

Do you know of any reason whatsoever as to why police should refuse to issue a firearms licence to the applicant? Yes No

Why do you hold this view? No reasons known.

Any further comment? Fully supportive

No reasons known.

Fully supportive.

- 34 Gaming friend’s response to the same set of questions is recorded as “No reasons known”.



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Figure 35: Extract 8 from the notes of gaming friend's vetting interview

Do you know of any reason whatsoever as to why police should refuse to issue a firearms licence to the applicant? Yes No

Why do you hold this view? *No reason known.*

[Empty text boxes for additional notes]

No reasons known.

- 35 No overseas inquiries were made by the Vetting Officers, Licensing Clerk or former District Arms Officer. The individual's sister Lauren Tarrant was not contacted as part of the application process. The individual had disclosed at his interview that he had received speeding tickets when he was younger but no criminal checks were made with Australian authorities to confirm his (accurate) assertion that he had no convictions.

Figure 36: Extract 7 from the notes of the individual's vetting interview

Have you ever come to the attention of police for criminal offending including traffic offences? Yes No

Tell me about the offending: *I have had speeding tickets when I was younger.*

Do you have any drink drive convictions? Yes No

Have you ever previously made an application for a firearm licence in New Zealand or any other country, and been refused? Yes No

Details: *N/A*

[Empty text boxes for additional details]

I have had speeding tickets when I was younger.

N/A [not applicable].



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- 36 No medical records or reports were requested as the individual did not present with any noticeable health issues (mental or otherwise) during the interview, nor did he disclose any. Additionally, the referees did not suggest the individual suffered any health (including mental health) issues.
- 37 On 16 November 2017, the complete licence application file was reviewed by the former District Arms Officer. Based on the information in the file, the former District Arms Officer saw no reason to conclude that the individual had not satisfied the fit and proper person test. Accordingly, the former District Arms Officer granted the individual's firearms licence the same day.
- 38 There is no record of when the licence was issued, but the individual would likely have received it via post approximately two weeks later. We know he had it by 4 December 2017, as this was the day he acquired his first firearm.

5.3 Concluding comments

- 39 In the next chapter, we will assess the adequacy of the process that we have just discussed. The key aspects we will discuss are the decision not to interview Lauren Tarrant, the acceptance of gaming friend as a substitute for Lauren Tarrant and the interviews of gaming friend and their parent conducted by the Waikato Vetting Officer.

Chapter 6: The adequacy of the process to grant the individual's firearms licence



Section 15
orders

6.1 Overview

- 1 In this chapter we review the adequacy of the process that resulted in the individual's application for a firearms licence being granted.
- 2 Our discussion is organised around the following headings:
 - a) An atypical application.
 - b) Clearing away minor process issues.
 - c) Was the individual eligible to apply for a firearms licence?
 - d) Should Lauren Tarrant have been interviewed as a referee?
 - e) Should gaming friend and their parent have been accepted as referees?
 - f) Why was important information not elicited in the vetting process?
 - g) Concluding comments.

6.2 An atypical application

- 3 The individual's application had a number of unusual features:
 - a) He had only been living in New Zealand for 15 days before initiating the process.
 - b) He did not have an Australian firearms licence.
 - c) He did not have a near relative living in New Zealand to act as a referee.
 - d) He was unemployed and therefore could not use an employer as a referee.
 - e) He had been travelling, for the most part, since 2014 and therefore did not have a recent overseas employer to provide a reference.
 - f) He was living alone and therefore there was no one who lived at the same address as him who could be interviewed as part of the process.
 - g) He ended up nominating as his referees a friend and their parent who lived together but in a different District from him.



- h) The relationship he had with the substitute for the near-relative referee, gaming friend, was limited in terms of personal engagement and had been primarily online in character.
 - i) His relationship with the other referee, gaming friend's parent, was distinctly limited – confined to the individual staying with them briefly in 2013 and again in August 2017.
- 4 The individual was therefore not a usual applicant with an easily checkable character. To put this another way, his application presented particular features that the vetting process had not been designed to address. It is important to keep this in mind when reading some of the critical comments in this chapter.

6.3 Clearing away minor process issues

- 5 There are three aspects of the process that warrant comment but can be dealt with very briefly.
- 6 The first is that we see no problem with the interview of the individual and the assessment of his firearms storage arrangements.
- 7 The individual was capable of presenting well, and plainly did so on this occasion. The reasons he gave for wanting a firearms licence were of a kind often given. If his claim to having “now” met with people in a pistol and rifle club was intended to suggest recent contact in Dunedin, it appears to have been untrue as the only people of that description that he had met, at least to our knowledge, were gaming friend and their parent. However, it may have been a reference to the possible visit or visits to the shooting club in Waikato in August 2017. In any event, there was no reason for the Dunedin Vetting Officer to challenge this contention.
- 8 The Dunedin Vetting Officer did not inquire of the individual how well he knew his referees but the *Firearms Licence Vetting Guide* does not require such questions to be asked and there was no direction from the former District Arms Officer to explore this. In contrast, the Dunedin Vetting Officer would have known that the relationship between an applicant and referee is addressed during referee interviews. This means the criticisms we make in this chapter do not extend to the Dunedin Vetting Officer.
- 9 The second is that the order of interviews did not follow the ordinary process where referees are interviewed before the applicant. This is not a requirement of the Arms Regulations 1992. It is, however, a sensible practice as it allows any questions that might come out of the referee interviews to be put to the applicant. As it turned out, the interviews with the referees did not give rise to any such questions. This means the order of interviews is not material to what happened in the individual's case.



- 10 The third is the conclusion of the former District Arms Officer and Licensing Clerk that the notations on the National Intelligence Application in respect of gaming friend and their parent did not preclude them from acting as referees. The former District Arms Officer and Licensing Clerk pointed out in evidence to us that gaming friend and their parent had, despite these notations, been granted, and retained, firearms licences and endorsements. Given the scrutiny associated with firearms licences and the greater scrutiny applied when endorsements are sought, the former District Arms Officer considered this outweighed the significance of the incidents recorded against them on the National Intelligence Application. The Licensing Clerk was of the same view. The Arms Manual's guidance on the fit and proper person test for applicants indicates firearms licences are not confined to those of impeccable character. The referees were very experienced members of the firearms-owning community and were thus well placed to act as referees for applicants whom they knew well. So, we have no difficulty with the conclusion that the notations did not disqualify them from acting as referees.

6.4 Was the individual eligible to apply for a licence?

- 11 Section 23 of the Arms Act 1983 provides that “any person” over the age of 16 can apply for a firearms licence. There is no statutory requirement for citizenship, permanent residence or even residence. The individual was therefore eligible to apply for a licence.
- 12 The *Arms Manual* indicates that applicants must be “ordinarily resident in New Zealand”. This is not consistent with the Arms Act. And even if there were such a requirement – which those dealing with the application would probably have assumed – we are of the view the individual as of 1 September 2017 was ordinarily resident in New Zealand, despite him having been in New Zealand for 15 days. This is because his only home was in Dunedin, he intended to stay in New Zealand indefinitely and he was able to do so as an Australian.

6.5 Should Lauren Tarrant have been interviewed as a referee?

- 13 Although the logic of the Arms Regulations might suggest that the near relative who must be identified on the application should also be interviewed, this is not a requirement under the regulations. In deciding Lauren Tarrant was not an appropriate referee and telling the individual that he should provide a replacement referee, the Licensing Clerk was acting in accordance with New Zealand Police policy. That said, there remains a question whether Lauren Tarrant should have been interviewed by phone or video call.



- 14 Interviewing a near relative by phone or video call is not mentioned as a possibility in the *Master Vetting Guide* and no allowance for it is made in the processes set out in the *Firearms Licence Vetting Guide*. Such interviews are not part of standard licensing practice.
- 15 We consider the standard licensing practice to which we have just referred is inappropriately limited. If there is a person in New Zealand who knows the applicant well enough to be the functional equivalent of a near relative – as closely connected to the applicant as a near relative would be – there will be little to gain by making contact with a near relative overseas. But if the person in New Zealand who knows the applicant best is not a functional equivalent of a near relative, it would obviously be sensible for Vetting Officers to make contact with the overseas near relative. By not providing for the overseas near relative to be contacted, firearms licensing practice has become controlled by the processes laid down in New Zealand Police policy and operational guidance. It has also drifted away from fulfilling the purposes of the vetting of referees, which includes establishing that they know the applicant well enough to adequately comment on whether the applicant is a fit and proper person.
- 16 Given New Zealand Police policy and operational guidance was so explicit as to what should happen if an applicant did not have a near relative living in New Zealand, we make no criticism of the actions of the Licensing Clerk and former District Arms Officer in relation to Lauren Tarrant not being contacted.

What would Lauren Tarrant have said if she had been approached?

- 17 We think it likely that she would have supported the application. She was aware of the individual's far right racist and Islamophobic views but she also understood that he had never engaged in acts of violence. She wished to retain a relationship with him if she could. As well, we doubt the individual would have put forward Lauren Tarrant as a referee unless he was reasonably confident she was going to be supportive. When we asked the individual whether he had spoken to Lauren Tarrant about being a referee he indicated that he had and that he believed that she would, if interviewed, have supported his application.
- 18 All of that said, we have no reason to doubt that Lauren Tarrant would have answered honestly any questions put to her. So it is conceivable that probing questions of Lauren Tarrant might have produced answers resulting in the application receiving greater scrutiny than it did.



6.6 Should gaming friend and their parent have been accepted as referees?

Who decided that gaming friend and their parent were appropriate referees?

- 19 The decision that gaming friend and their parent were appropriate referees had a number of components:
- a) The Licensing Clerk's noting of gaming friend and their parent as referees.
 - b) The former District Arms Officer's subsequent processing of the file on that basis.
 - c) Sending parts of the file to the two Vetting Officers without directions to probe the nature of the relevant relationships.
 - d) The limited nature of the questioning by the Waikato Vetting Officer of gaming friend and their parent about their relationships with the individual.
 - e) The former District Arms Officer's decision that the application be granted.

What was the factual basis upon which they were accepted as referees?

- 20 The Licensing Clerk and former District Arms Officer had limited recall of how they dealt with the application. This is unsurprising given how long ago the relevant events occurred and the large number of other applications they processed. The result was that their evidence involved substantial reconstruction based on what is apparent from the file and their usual practice.
- 21 The Licensing Clerk was reasonably confident that they had asked the individual how long he had known gaming friend. If so, it is likely that the individual answered to the effect he had known gaming friend for ten years. It is likely that a similar question was asked about how long the individual had known gaming friend's parent, which would likely have prompted the response that they had known each other for four years. We think it highly unlikely that the Licensing Clerk probed the individual as to the depth of his relationships with the two referees. There was nothing in the Licensing Clerk's evidence or in the notes on the application form to suggest that such probing had occurred.
- 22 The former District Arms Officer's understanding of the depth of the relationships between the individual and gaming friend and their parent can have been no more extensive than that of the Licensing Clerk.



- 23 Based on the evidence they gave we consider it likely that the Licensing Clerk and the former District Arms Officer discussed the appropriateness of gaming friend and their parent as referees. Such a discussion would have been warranted by the National Intelligence Application notations against their names. Neither, however, suggested they had discussed whether gaming friend and their parent knew the individual well enough to act as referees.
- 24 The former District Arms Officer did not direct the Vetting Officers to make particular inquiry into the relationships of the referees with the individual.
- 25 In chapter 5 of this Part, we discuss the questions asked in the interview and the answers given by gaming friend and their parent. They said the individual was a friend whom they had known for ten years in the case of gaming friend and four years in the case of gaming friend's parent. Gaming friend disclosed that their initial contact had been through "video games etc" and that they had subsequently been in regular contact.

Did gaming friend know the individual well enough to serve as a referee?

- 26 Gaming friend had indeed "known" the individual for ten years, but the relationship was primarily online. They had been in the physical presence of the individual for approximately 21 days during the individual's 2013 trip to New Zealand and on his return to New Zealand in August 2017.
- 27 All of those we spoke to who engaged with this issue agreed that this level of interaction between the individual and gaming friend was insufficient to justify using them as a substitute for a near-relative referee. This included experienced members of New Zealand Police. These views were primarily based on the limited face-to-face interactions (approximately 21 days) between the individual and gaming friend, rather than an assessment of the significance of the online relationship. But a senior member of New Zealand Police with extensive involvement in firearms licensing was made aware of the online contact during our interview with them and still considered that the relationship was insufficient:

... corresponding with someone, whether it's online or by letter or anything which is not face-to-face, is a different thing to meeting and interacting with someone on a daily basis.

And later:

So, I would look for personal interactions. These are just numbers. But I was saying that the number of days is 21, you would not know someone very well I would say, look, what are these interactions? So, it's the quality of the interaction, not just length of time.



- 28 In formal submissions made to us, New Zealand Police disputed the view that the interactions between the individual and gaming friend were insufficient to warrant gaming friend being a referee. The submission was expressed in this way:

[Gaming friend] and [the individual] spent a substantial time in each other's company, both in person and in online gaming forums. [Gaming friend] travelled with [the individual] for 21 days and they spoke together in online gaming forums for 10 years. [Gaming friend] is also an experienced shooter, who had spent time with [the individual] while he was using a firearm. [Gaming friend] could attest to [the individual's] behaviour and approach to firearms safety.

- 29 This response does not capture the episodic nature of the relationship between the individual and gaming friend. They had spent approximately 21 days together while the individual was staying with the referees in 2013, travelling around with gaming friend between March and May 2013 and staying with the referees in August 2017. The 21 days of interactions were, accordingly, spread across two visits, with a gap of four years between them. As well, the submission is not particularly consistent with the responses we received when talking to those involved in the administration of the firearms licensing process, including those who dealt with the individual's application.
- 30 New Zealand Police's submission suggests that a more detailed inquiry into the relationship between the individual and gaming friend may have legitimately concluded that he was an appropriate referee in place of Lauren Tarrant. The fact is that a detailed inquiry was not made. Given the individual was an Australian who had little apparent connection with New Zealand and thus had little opportunity to build personal relationships with anyone living here, more detailed inquiry was appropriate.
- 31 It remains true that no one in New Zealand knew the individual better than gaming friend. So, on a literal reading of New Zealand Police policy and operational guidance – that the substitute for a near-relative referee should be the person in New Zealand who knows the applicant best in a personal sense – gaming friend was a suitable substitute. As well, despite their very limited in-person contact with the individual, gaming friend knew salient information about the individual's character that they could have shared with the Waikato Vetting Officer – information about the individual's far right political, racist and Islamophobic views. If they had shared that information with the Waikato Vetting Officer, it may have resulted in the application receiving greater scrutiny than it did.
- 32 A conclusion that gaming friend was an appropriate referee may have been defensible if firearms licensing staff had explored the depth of the relationship between the individual and gaming friend, including that it was mostly conducted online and had still decided they were an appropriate referee. But this is not what happened.



Did gaming friend's parent know the individual well enough to serve as a referee?

- 33 Gaming friend's parent had no online relationship with the individual. Over a period of four years, the parent had spent only seven days in the presence of the individual prior to acting as his unrelated referee, most of which had been four years earlier. Their association with the individual was just a consequence of the individual's online friendship with their child.
- 34 We think it clear that the very limited relationship between gaming friend's parent and the individual was too limited to justify them serving as a referee.

Was it appropriate for a person and their parent to be used as referees?

- 35 Regulation 15 provides for two referees, a near relative of the applicant and someone who is not a near relative of the applicant. It is, of course, possible, for such referees themselves to be related without the second referee being related to the applicant. Regulation 15 is, however, at least consistent with the view that a diversity of opinion is appropriate and that the two referees should be independent of each other. That said, a requirement for independence is neither spelled out in the regulations nor stipulated in New Zealand Police policy and operational documents.
- 36 With the benefit of hindsight, we see the parent and child relationship as material to what happened. We think it likely that the parent's willingness to serve as a referee, and the substance of what they told and did not tell the Waikato Vetting Officer, was associated with gaming friend vouching for the individual's character. We doubt whether gaming friend's parent would have been prepared to act as a referee based on seven days' engagement with an applicant who was not a friend of their child.

6.7 Why was important information not obtained in the vetting process?

The important information that was not obtained

- 37 Important information that was not obtained from the referees during the vetting process was the nature of their relationships with the individual and the individual's far right political, racist and Islamophobic views.

Were the referees honest in the answers they gave to the Waikato Vetting Officer?

- 38 The notes of the interview between gaming friend and the Waikato Vetting Officer set out a question "Do you know of any reason whatsoever as to why Police should refuse a firearms licence to the applicant?" and records the response as "No reasons known".



- 39 Gaming friend was well aware of the individual's extremist political opinions and that he was racist and Islamophobic. But they said nothing of this to the Waikato Vetting Officer. Their "no reasons known" response indicates that they saw them as not being relevant to whether the individual should be granted a firearms licence.
- 40 We put it to gaming friend that they had, in their discussions with the Waikato Vetting Officer, given the individual a favourable character reference despite being well aware of what the individual thought and said in relation to race and Islam. Their response was that in the online environment where the individual made those comments, it is impossible to tell whether people voicing racist and Islamophobic views are serious.
- 41 We are prepared to accept that gaming friend did not envisage that the individual was sufficiently serious in his views to further them with acts of violence. But we consider that they must have appreciated the individual was serious in the sense that he did have racist and Islamophobic views, as opposed to just pretending to have such views.
- 42 It is certainly open to question whether gaming friend's knowledge of those views was consistent with his unqualified endorsement of the individual's character. But, given the focus of our Terms of Reference was on Public sector agencies, we were not called upon to make findings in relation to gaming friend.
- 43 Gaming friend's parent also endorsed the individual's character in an unqualified way. There is no evidence to show that they were aware of the individual's views. And they certainly did not see him as potentially violent. It is, however, at least surprising that the parent – a member of the firearms-owning community for many years and well-familiar with the vetting process – saw their very limited interactions with the individual over only seven days as qualifying them to serve as a referee.

Were the questions sufficiently particular?

- 44 By asking the referees only the open questions stipulated in the *Firearms Licence Vetting Guide* about the individual and their relationships with him, the Waikato Vetting Officer made it easy for gaming friend and their parent to respond in the general way they did (see the vetting notes set out earlier in chapter 5 of this Part).



- 45 The limited questions asked were consistent with the *Firearms Licence Vetting Guide*. As well, the Waikato Vetting Officer knew the referees and was well aware of their extensive involvement with firearms and firearms licensing. On this point, the Waikato Vetting Officer said the referees always “complied with all the requirements” and they had been able to meet the requirements to “maintain membership of the [pistol] club”. The Waikato Vetting Officer therefore may have expected them to volunteer any information material to whether they knew the individual well enough to be referees or as to his character. As will be apparent, this did not happen.
- 46 Questions about extreme views are not stipulated in the *Firearms Licence Vetting Guide*. In light of this and there being nothing to alert the Waikato Vetting Officer to the likelihood of the individual having extreme views, we do not criticise the Waikato Vetting Officer for not exploring that possibility. We are, however, more troubled by the limited questions asked of the referees as to their relationships with the individual.
- 47 The Waikato Vetting Officer was of the view that the acceptability of gaming friend and their parent as referees had already been determined and believed this extended to the depth of their relationships with the individual. Given the absence of direction to test the relationships, we have a measure of sympathy for this position. We do not, however, accept its logic:
- a) The acceptance by the Licensing Clerk and former District Arms Officer of the suitability of the referees could only have been provisional in terms of the depth of the relationships because they had no opportunity to explore this with the referees.
 - b) There are questions in the *Firearms Licence Vetting Guide* as to how long the referees have known the applicant and how they would describe their relationship with the applicant. This demonstrates that the nature and the extent of the relationship between the referees and the applicant is an issue that the Vetting Officer is required to assess.
 - c) In the context of the individual’s application, the Waikato Vetting Officer should have determined that further exploration of the relationship between the individual and his referees was required. The Vetting Officer was aware that:
 - i) there had been a referee substitution;
 - ii) the referees lived in a different District to the applicant; and
 - iii) gaming friend had met the individual through online gaming and that the individual was “from Australia, recently come to NZ, will probably settle here”.
 - d) On the basis of their evidence to us, it is clear the Waikato Vetting Officer appreciated that gaming friend’s parent, at least, did not know the applicant particularly well.



New Zealand Police position as to process

48 We received submissions from New Zealand Police as to the process followed to grant the individual a firearms licence.

49 New Zealand Police contended:

[The substantial amount of time gaming friend and the individual spent in each other's company], included with the following context, has resulted in [the individual] receiving a firearms licence.

- *The applicant explained he wanted a firearms licence so he could go hunting, target shooting and sport shooting – a common explanation for applicants in New Zealand.*
- *The applicant attended the safety course with no issues raised and successfully passed the firearm safety test.*
- *The referees were interviewed by a very experienced vetting officer, face-to-face and no concerns were raised with the interviews or about the referees.*
- *At the end of the application process, including vetting - there had been no suggestion of concerns or red flags raised. There was no suggestion that a more in-depth investigation was necessary.*

If New Zealand Police's point that there "was no suggestion that a more in-depth investigation was necessary" includes inquiring into the depth of the relationships between the individual and the referees, then we disagree. But we do not otherwise take issue with the points made.

50 The drift of the New Zealand Police submission is consistent with a view that the purpose of the vetting exercise is to find grounds on which an applicant or referees might be considered unfit or improper rather than to provide assurance that the fit and proper person test has been satisfied. We agree that there were no indicators to suggest that the individual or gaming friend and their parent were "unfit or improper". But we think there were indicators at the time that warranted inquiry into whether the referees knew the individual well enough to provide assurance that he was a fit and proper person to possess firearms.



6.8 Concluding comments

- 51 The unusual nature of the individual's firearms licence application was not appreciated. The decision not to interview Lauren Tarrant was understandable in terms of New Zealand Police policy in place at the time, but it was unfortunate. Inadequate consideration was given to whether gaming friend and their parent knew the applicant well enough to serve as his referees. On the basis of usual licensing practice, gaming friend's personal association with the individual was insufficient for them to serve as the substitute for a near-relative referee and inadequate attention was paid to this issue. The association of gaming friend's parent with the individual was undoubtedly insufficient for them to act as a referee.
- 52 We have considered whether these errors could be solely attributed to New Zealand Police as an institution.
- 53 We are of the view that the guidance given by New Zealand Police to licensing staff was inadequate, as was their training. The *Master Vetting Guide* and the *Firearms Licence Vetting Guide* did not provide much assistance in dealing with the particular issues the individual's application raised. The licensing staff involved with the individual's application acted in good faith and in accordance with the *Master Vetting Guide* and the *Firearms Licence Vetting Guide*. But we do not see this as a complete answer.
- 54 As we have explained, the purposes of vetting referees include establishing that the referees know an applicant well enough to provide reasonable assurance the applicant is a fit and proper person. The material available to the former District Arms Officer and the Waikato Vetting Officer indicated that inquiry into the relationships between the individual and his referees was warranted. The inquiry that was made was inadequate in light of the overarching purposes of referee vetting.
- 55 This criticism does not extend to the Licensing Clerk as we regard their acceptance of the referees as provisional only and that was the extent of their formal role.
- 56 Our criticism of the former District Arms Officer and Waikato Vetting Officer comes down to them not having exercised evaluative judgements as to how, and whether, the purposes of the vetting process could be, and were, satisfied. This criticism is heavily tempered by the realities that:
- a) neither had been trained to apply such evaluative judgements;
 - b) New Zealand Police policy and operational guidance that governed their work did not clearly identify the purposes to which we have referred;



- c) the same guidance provided limited assistance in identifying the very particular issues the individual's application posed; and
- d) the increase in the number of firearms licence applications in 2017 because of the licensing bell curve meant that staff were under considerable pressure to process applications in a timely manner (see Part 5, chapter 4).

57 We have considered what might have happened had the licensing policy and process been appropriate and how this may have impacted the events of 15 March 2019. This involves counter-factual analysis (an assessment of what would have happened if events had taken a different course) that is hypothetical and speculative.

58 With the cautions just mentioned in mind, we consider that:

- a) If someone had spoken to Lauren Tarrant and she supported the application, a decision to grant the licence would have been difficult to fault.
- b) If it had been concluded that gaming friend or their parent did not know the individual well enough to serve as referees, the application would not have been granted at that time.
- c) If the individual's application had not been granted, it is uncertain how he would have responded. We think it is possible, and perhaps likely, that he would have been able to obtain a licence eventually, perhaps by arranging for Lauren Tarrant to come to New Zealand for an interview. This may have delayed his preparation for the terrorist attack. It is also possible that he may have formulated a plan to carry out the terrorist attack using different means or abandoned his planning for a terrorist attack in New Zealand.

1 Our Terms of Reference required us to make findings as to:

4(d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part.

- 2 We take the view that “required standards” include good practice as it applies to Public sector governance and management. These standards also include adhering to and implementing relevant regulatory frameworks, existing policy, operational guidance and administrative procedures in ways that give effect to their intended purposes.
- 3 We find that New Zealand Police failed to meet required standards in the administration of the firearms licensing system in that:
- a) the *Arms Manual*, the *Master Vetting Guide* and the *Firearms Licence Vetting Guide* did not provide coherent and complete guidance as to the processing of applications where the applicant could not provide a near-relative referee able to be interviewed in person;
 - b) New Zealand Police did not put in place arrangements to ensure that firearms licensing staff received systematic training and regular reviews of their practice; and
 - c) in dealing with the individual’s firearms licence application, New Zealand Police did not adequately address whether gaming friend and their parent knew the individual well enough to serve as referees.

A number of questions have been raised with us in submissions or in meetings relating to the issue of granting a firearms licence to the individual, which we now address.

Did the individual have a history of recreational firearms use?

There is no evidence the individual had a history of recreational firearms use in New Zealand before applying for his licence, aside from some shooting with his referees in 2013 and possibly in August 2017. Despite not having a firearms licence at that time, the individual could, under sections 22(2)(a) and 50(5) of the Arms Act 1983, lawfully use firearms (other than military style semi-automatic firearms or restricted weapons) if under the immediate supervision of the holder of a firearms licence.

When we spoke to him, the individual told us that he had, on two occasions, used firearms overseas at tourist attractions.

What were the reasons the individual gave to New Zealand Police for wanting a firearms licence?

The individual told New Zealand Police in his interview that he wanted a licence for hunting, leisure, target shooting and sport.

Was there a security inspection of the individual's firearms storage?

Did New Zealand Police in Dunedin conduct an interview with the individual for his firearms licence application? If an interview was conducted, did it meet the required standards?

If an interview was conducted with the individual for his firearms licence application, were any red flags raised?

A Dunedin Vetting Officer interviewed the individual at his home and checked and confirmed that he had appropriate storage facilities in his home for any future firearms. The Vetting Officer asked the individual questions in accordance with the operational guidance provided by the *Firearms Licence Vetting Guide*. The individual can present well and we are satisfied that he did so when interviewed. The Vetting Officer recorded that the individual did not show any unusual behaviour during the visit or interview.



What checks, if any, were made with Australian Police, including his criminal history, whether he had a firearms licence in Australia and to reveal any behavioural and/or health concerns from his home community?

No checks were made with Australian Police with respect to the individual's firearms licence application. The vetting process required overseas checks only when an applicant disclosed a criminal conviction. The individual had no convictions in Australia and he accurately disclosed having received speeding tickets while in Australia.

Medical records were not requested as during the interview process the individual did not present with, or disclose, any noticeable health issues (mental or otherwise). In addition, his referees did not raise any issues regarding the individual's physical or mental health.

How could the individual have been deemed fit and proper when he had only recently arrived in New Zealand, had no family connections here and no employment?

Did New Zealand Police in Dunedin follow correct procedure when they approved the individual's firearms licence application?

Why was the individual's firearms licence application approved without the two references meeting the relevant criteria?

There was no information provided to New Zealand Police to indicate that the individual was not a fit and proper person to possess firearms. He had no criminal history and, on material supplied to New Zealand Police, offered legitimate reasons to possess firearms and did not disclose any apparent medical issues.

Although the Arms Regulations 1992 require a near relative to be nominated as a referee, there is no requirement under the regulations for that referee to be interviewed. New Zealand Police practice requires referees for first time applicants to be interviewed in person. Where this is not possible in the case of a nominated near-relative referee, a New Zealand-based referee who knows the applicant best can be a substitute referee.

The individual originally nominated his sister as his near-relative referee but, because she lived in Australia and could not be interviewed in person, she was not accepted as a referee by the licensing staff who dealt with the application. Gaming friend, who was substituted for her, was the person in New Zealand who knew the individual best.

In chapter 7 of this Part we explain the aspects in which we consider that the administration of the firearms licensing process failed to meet required standards.



Had the individual's referees met him in person?

Were the individual's referees from a recently created online chatroom?

Were the individual's referees related?

Were New Zealand Police in Dunedin aware that the two references provided by the individual were sourced from an online forum who the individual had not met in person, and that they were parent and child?

The referees are related – they are parent and child. The Firearms Licensing Clerk and the former District Arms Officer should have realised, and probably did, that they were parent and child, although they could not recall whether this was so. The Waikato Vetting Officer was aware of this relationship.

Gaming friend first met the individual in 2007 through playing online video games and, prior to the individual applying for a firearms licence, had spent approximately 21 days with him in person in New Zealand in 2013 and August 2017.

Gaming friend's parent first met the individual in 2013, when the individual stayed with the family. The individual spent further time with gaming friend's parent when he stayed with the family in August 2017. Over these two visits, the individual spent seven days in total at the house of gaming friend's parent and, in this sense, had spent some seven days in their company. Gaming friend's parent and the individual did not interact online.

Did the individual's referees give the same answers to the vetting questions?

When New Zealand Police interviewed the individual's two referees, and they had the same answers, why did it not raise any alarm bells?

The referees gave similar, but not the same, answers to the vetting questions. Each of them was interviewed in Waikato by the same Vetting Officer but on different days.

Gaming friend described the individual as a friend whom they had known for ten years, initially meeting the individual through playing video games online and that they had been in regular contact since that time. Gaming friend's parent described the individual as a friend whom they had known for four years.



Both referees said that they had gone shooting with the individual and supported his application. Both are recorded as having responded “No reasons known” in response to a question of whether they knew of reasons why a licence should be refused. We take this as recording the substance of the answers given – that they were not aware of reasons why a licence should be refused.

Were the individual’s referees white supremacists or neo-Nazis?

There is no evidence to suggest that the referees are white supremacists or neo-Nazis.

While gaming friend had interactions with the individual in which the individual expressed far right political, racist and Islamophobic views, gaming friend did not usually respond to, or engage with, these expressions of opinion. Likewise, gaming friend did not object to them.

Since 15 March 2019, have New Zealand Police issued a new directive informing vetting staff to take precautions regarding right-wing extremism, including warning signs such as tattoos, Celtic or Norse symbolism, books on the Third Reich, confederate flags, and reference to [the Oslo terrorist]?

There is currently no new nationwide policy in place regarding inquiries into right-wing extremism with respect to an applicant for a firearms licence, although two Districts have issued guidance for staff.

The guidance material produced by the two Districts was originally an intelligence product developed by, and shared within, New Zealand Police.

If New Zealand Police (within the two relevant Districts) identify an applicant who belongs to an extreme right-wing or white supremacist group, this information may be recorded in their National Intelligence Application profile. It may also cause New Zealand Police to conduct further investigations to determine whether the applicant is fit and proper to hold a firearms licence.

Please supply the number of refused applications for firearms licences in the past ten years, broken down by ethnic background (if possible).

Between 2014 and 2018, 2.1 percent of all new applications for a standard licence were declined by New Zealand Police. New Zealand Police do not break down these figures by ethnic background. Refer to the graphic in chapter 4 of this Part for more information.

How do New Zealand Police track foreign nationals who import firearms?

Any person intending to import firearms into New Zealand must possess a current firearms licence, and a permit issued by New Zealand Police. Firearms will be inspected by New Zealand Customs Service prior to the shipment being released to the importer. There is no other tracking and no distinction is drawn between foreign nationals and New Zealand citizens.

Is the person who signed off on the individual's online ammunition purchases the same person who was the investigating officer on the Bain family murders?

No.

Glossary

Term	Definition
endorsement	Additional firearms licence privilege to possess and use certain types of firearms.
firearms licensing process	How a firearms licence application is processed by New Zealand Police.
firearms licensing system	The system of firearms licensing including policies and administration, and the regulation of semi-automatic firearms.
fit and proper person	A person of good character, who can be trusted to use firearms responsibly.
GST	Goods and Services Tax.
iwi	Te reo Māori (Māori language) term that refers to a tribe – a large group of Māori people bound together by descent from a common ancestor and associated with a distinct territory.
magazine	A device that contains ammunition to feed into the chamber of a firearm.
member of Police	An employee of New Zealand Police, including a person seconded to New Zealand Police.
military style semi-automatic	A semi-automatic firearm fitted with: <ul style="list-style-type: none">- a magazine capable of holding more than 15 .22 calibre rimfire cartridges or more than seven cartridges of any other kind; and/or- a military pattern free-standing pistol grip; and/or- a folding or telescopic butt; and/or- bayonet lugs; and/or- or a flash suppressor.
National Intelligence Application (NIA)	A database used by New Zealand Police to manage information relevant to operational policing.

Term	Definition
near-relative referee	A family member of a firearms licence applicant who can attest to the applicant being a fit and proper person.
semi-automatic	A firearm that is capable of, with each pull of the trigger: <ul style="list-style-type: none"> - firing a cartridge and ejecting its case; and - chambering another cartridge.
sworn officers	New Zealand Police employees who have taken the constable's oath under the Policing Act 2008.
unrelated referee	A person unrelated to a firearms licence applicant, such as a friend or an employer, who can attest to the applicant being a fit and proper person.

What Public sector agencies knew about the terrorist

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Chapter 1: Introduction

1 Our Terms of Reference required us to make findings on:

4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and

(b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies.

2 Underlying these issues is a concern that the relevant Public sector agencies may have missed opportunities to disrupt the 15 March 2019 terrorist attack and were therefore at fault.

3 We asked all 217 agencies from the wider New Zealand Public sector (see the appendix) to give us any information they held about the individual and his activities before 15 March 2019. We assessed and tested this information against that received from other sources, including from submissions and our community engagement process, and meetings with experts.

4 The next four chapters of this Part concern a range of issues:

a) In chapter 2, we discuss reports of suspicious behaviour at masjid around New Zealand made before 15 March 2019. We conclude that none of these reports related to the individual.

b) In chapter 3, we discuss the New Zealand Security Intelligence Service's investigation into a New Zealand-based IP address that accessed suspicious files in August and September 2017. We are uncertain whether this IP address activity was associated with the individual. If it was, it occurred in ways that made it impracticable for him to be linked to it.

c) In chapter 4, we discuss whether an employee of the New Zealand Security Intelligence Service saw social media posts made by the individual before 15 March 2019. We conclude that it is more likely than not that these posts did not come to the attention of the New Zealand Security Intelligence Service.

d) In chapter 5 we review reports about the individual's conduct at the Bruce Rifle Club. We conclude that no information about the individual's behaviour at the Bruce Rifle Club was known by New Zealand Police before 15 March 2019.

- 5 Ten of the 217 agencies from the wider New Zealand Public sector held information about the individual before the terrorist attack. We list this information in chapter 6. In summary:
 - a) Only three of the agencies involved in the counter-terrorism effort held any information about the individual – New Zealand Police, Immigration New Zealand and New Zealand Customs Service.
 - b) With the possible exception of the IP address, neither of the two intelligence and security agencies had any information about the individual before the terrorist attack.
 - c) Seven other Public sector agencies had information about the individual before the terrorist attack – the Ministry for Primary Industries, New Zealand Post, the Southern District Health Board, the Accident Compensation Corporation, the Ministry of Health, the New Zealand Transport Agency and the Parliamentary Service.
- 6 In chapter 7, we evaluate the actions taken by the Public sector agencies in response to the information they held about the individual. Other than the email sent by the individual to the Parliamentary Service immediately before the terrorist attack, none of the other information known by Public sector agencies could or should have alerted them to the terrorist attack. Some of that information related, or may have related, to the individual’s planning and preparation for the terrorist attack, but this could not have been known by the Public sector agencies at that time.
- 7 We set out our findings in chapter 8 on whether there was any information that could or should have alerted Public sector agencies to the terrorist attack and whether their response to that information was appropriate.
- 8 Chapter 9 provides answers to specific questions asked by the community about what Public sector agencies knew about the individual before the terrorist attack and what they did with that information.

Chapter 2: Suspicious activity at masjid

2.1 Overview

- 1 We were told that, before 15 March 2019, Muslim individuals and communities had reported concerns to New Zealand Police about suspicious activity at masjid around New Zealand.
- 2 After 15 March 2019, several people remembered suspicious activity at masjid that had happened before the terrorist attack but was not reported to New Zealand Police at the time. In this chapter we discuss only reports made before 15 March 2019, because it is only such reports that could have alerted New Zealand Police to the terrorist attack.

2.2 Inquiries into reports of suspicious activity made before 15 March 2019

- 3 New Zealand Police provided us with all information dating back to 2010 that they held on complaints they recorded about suspicious activity at masjid. We reviewed this information and found two complaints made to New Zealand Police that may be relevant:
 - a) On 20 February 2019, New Zealand Police received a complaint about a person who had made a threat on Facebook to burn a Qur'an at a masjid in Hamilton on 15 March 2019. New Zealand Police received other complaints about the person who made this threat. New Zealand Police dealt with these complaints by visiting the person who made the threat and giving them verbal and written warnings. This person was not the individual. We are satisfied that there is no connection between this person and the individual. The fact that the date associated with the person's threat is the same as the day of the individual's terrorist attack is a coincidence.
 - b) On 26 February 2019, New Zealand Police received a complaint about a person at the Wellington Islamic Centre and Masjid. New Zealand Police were not able to identify the person. We reviewed evidence to determine whether this person could have been the individual. For the individual to have travelled from his home in Dunedin (in the South Island) to Wellington (in the North Island), he would have needed to take a plane or a ferry for at least part of the journey. Airlines and ferry companies had no record of the individual travelling between the South Island and the North Island in 2019. Based on all the evidence we have about the individual between 1 January 2019 and the day of the terrorist attack (see *Part 4: The terrorist*), we are satisfied that the individual was in the South Island in February 2019. We therefore conclude that the person seen at the Wellington Islamic Centre and Masjid in late February 2019 was not the individual. This is consistent with what the individual told us.

2.3 Possibility of unrecorded complaints

- 4 It is possible that some reports made by Muslim individuals and communities to New Zealand Police of suspicious activity were not recorded. During our inquiry we heard a range of general concerns from Muslim communities about their experiences of reporting to New Zealand Police (see Part 8, chapter 6). These included instances where people did not see officers writing anything down when being told about suspicious or threatening behaviour.
- 5 We know that the individual was in the vicinity of the Invercargill Masjid on 2 January 2019 when travelling with his mother and her partner (see Part 4, chapter 8). We also know he observed the Ashburton Masjid, Masjid an-Nur and the Linwood Islamic Centre on 8 January 2019 and Masjid Al-Huda, Dunedin Islamic Centre in Dunedin on 11 January 2019 (see Part 4, chapter 6). The events of 8 January 2019 and 11 January 2019 were hostile reconnaissance. The same may be the case with the 2 January 2019 incident but we think it more probable that it was not because the individual was with his mother and her partner at the time. We are confident that he remained in and around Dunedin from 9 January 2019 until the morning of 15 March 2019. We have seen no evidence to suggest the individual carried out hostile reconnaissance of any other masjid in New Zealand. Given the range of material available to us (including his mobile phone data and records of financial transactions), we would have expected to have seen evidence if such reconnaissance had occurred.
- 6 New Zealand Police did not receive any reports about the individual's reconnaissance of the masjid in Christchurch, Ashburton and Dunedin.

2.4 Concluding comments

- 7 Before 15 March 2019, New Zealand Police did not hold any information about suspicious activity or reconnaissance exercises at masjid that related to the individual.



3.1 Overview

- 1 On 12 November 2018, the New Zealand Security Intelligence Service received an intelligence report that identified four IP addresses that had accessed suspicious files of “possible national security interest”. One of these IP addresses (122.61.118.145) had been accessing suspicious files containing content “that could facilitate actions that would result in threat and or attack activity”. A table attached to the intelligence report identified the IP address as being in Dunedin, New Zealand.¹
- 2 This chapter:
 - a) sets out the source of the information on the IP address;
 - b) describes what the New Zealand Security Intelligence Service did with the IP address lead;
 - c) examines whether the individual can be associated with the IP address activity; and
 - d) considers whether the IP address could have come to light sooner.
- 3 We held a hearing to inquire into this issue. We summoned relevant officials from the New Zealand Security Intelligence Service to attend and provide evidence under oath or affirmation.

3.2 Where did the IP address come from?

- 4 Operation Gallant Phoenix is an intelligence fusion centre established in 2013 (based near Amman, Jordan) with the aim of tracking the flow of foreign fighters in and out of Iraq and Syria. Over time it has evolved to provide a platform for partners to collect, monitor and process material regarding potential and existing terrorist threats and trends at home and globally.
- 5 Currently, Operation Gallant Phoenix has many countries involved, including New Zealand, with a variety of participating agencies including military, civilian and law enforcement personnel.
- 6 Its specific role is to contribute to intelligence operations that offer opportunities to further understand and potentially disrupt Dā’ish. This is achieved through partner nation country collaboration and information sharing. Information generated through it has facilitated terrorist-related arrests in several countries and supported the opening of dozens of international investigations.

¹ The IP address was recorded incorrectly in the body of the intelligence report, but the raw data, attached to the report, correctly recorded the IP address. As well, the lead was originally opened by the New Zealand Security Intelligence Service using the incorrect IP address. This was corrected and did not affect the investigation of the lead.



- 7 New Zealand's involvement in Operation Gallant Phoenix (known as Operation Solar) began in late 2014 in response to an action taken against a New Zealander by Dā'ish. As a result of this involvement, New Zealand officials came to understand the potential benefits to New Zealand's national security from Operation Gallant Phoenix.
- 8 In October 2016, the United States of America invited countries (including New Zealand) to participate fully in Operation Gallant Phoenix.
- 9 In March 2017, a Cabinet paper described a key advantage of the Operation as being "its fusion approach to information and cross-agency collaboration to address the multi-dimensional challenges of terrorism". The paper considered that this approach is likely to be used more frequently in the future and New Zealand's continued participation in Operation Gallant Phoenix would "build our domestic capability, ultimately enhancing our ability to respond to future violent extremist threats". A small New Zealand deployment was agreed by Cabinet through to April 2019.
- 10 In June 2019, Cabinet noted that New Zealand had continued to gather security information from Operation Solar on the risk of terrorism and violent extremism and decided that it would continue New Zealand's small presence until December 2020. We note that the Government's decision was taken after 15 March 2019 and is agnostic as to threat ideology.
- 11 Information from New Zealand's deployment to Operation Gallant Phoenix has been passed on to the relevant domestic law enforcement agencies. This has provided benefits to New Zealand's national security beyond what was initially expected and continues to prove the value of New Zealand's participation. We have seen some reports from Operation Solar and can confirm that they provide real value and insight into matters of significance to New Zealand's counter-terrorism effort.
- 12 A pertinent example was a project initiated in 2018 aimed at discovering individuals in New Zealand who were accessing content of national security concern on the internet. Although narrowly focused, its purpose was to assist counter-terrorism agencies to better understand the scale of New Zealand-based online activity that had a national security nexus.
- 13 The outcomes of this project included:
 - a) Seventy-four unique IP addresses were identified that had accessed suspicious files since October 2016.
 - b) Four of those IP addresses were identified as being of "possible national security interest" and recommended for further investigation. Not all the suspicious files were related to Islamist extremist ideology.
 - c) One of those four IP addresses was 122.61.118.145. This IP address is the subject of this chapter.



3.3 What material was the IP address accessing?

- 14 The IP address (122.61.118.145) had accessed suspicious files relating to Al Qaeda propaganda and the Oslo terrorist’s manifesto between 24 August 2017 and 4 September 2017 (New Zealand time). During the same period the IP address had accessed suspicious files relating to firearms (including Magpul parts) and tactics.

3.4 What did the New Zealand Security Intelligence Service do about the IP address?

Opening, pursuing and closing the lead

- 15 On 12 November 2018, the New Zealand Security Intelligence Service opened the IP address as a lead and assigned it to a counter-terrorism investigator (see Part 8, chapter 5 for information on the New Zealand Security Intelligence Service’s leads process). The lead was assessed by the investigator, a more experienced investigator and the counter-terrorism manager as low priority, because:
- a) there was “insufficient information to assess nexus to national security”;
 - b) there was limited information to suggest the intent, capability and imminence for potential violence and there was no obvious threat to public safety;
 - c) the content did not display a clear ideology, as both Islamist and right-wing extremism were present;
 - d) there were several possible reasons why someone might view this content, some of which would not raise national security concerns; and
 - e) there was no other information to suggest it was “indicative of somebody who may be doing some bad things”.
- 16 The purpose of investigating the lead was to “identify the user of this IP address in order to assess their relevance to national security”. The New Zealand Security Intelligence Service carried out an initial check of its records, but it had no information about the IP address.
- 17 The New Zealand Security Intelligence Service used open-source look up tools that indicated that the IP address was associated with Spark New Zealand Limited (a telecommunications and internet services provider). On 14 November 2018, the New Zealand Security Intelligence Service submitted a Business Records Direction request to Spark New Zealand Limited seeking subscriber details for the IP address. A Business Records Direction, under sections 143–145 of the Intelligence and Security Act 2017, was identified as the “least intrusive and most practical means by which to identify the user of the IP address” (see Part 8, chapter 14).



- 18 The Business Records Direction requested the subscriber details for the IP address as at 31 August 2017, as this was the day on which more IP address activity had occurred than any other day in the date range.
- 19 On 28 November 2018, the New Zealand Security Intelligence Service raised the IP address as a new lead at the Combined Counter-Terrorism Investigations and Leads Meeting (the Joint Leads Meeting) attended by the Department of Corrections, Immigration New Zealand, New Zealand Customs Service and New Zealand Police (see Part 8, chapter 12). The New Zealand Security Intelligence Service noted that they “were taking steps to identify the user”. Agencies were asked to check their records and advise the New Zealand Security Intelligence Service if they had any information on the IP address. No agencies had any information on the IP address.
- 20 On 4 December 2018, Spark New Zealand Limited responded to the New Zealand Security Intelligence Service’s Business Records Direction. It confirmed that the IP address was “within a range of IP addresses owned by Spark” on 31 August 2017 and was “in the range for [Digital Subscriber Line (DSL)] Broadband” connections. Spark New Zealand Limited advised, however, that the date provided by the New Zealand Security Intelligence Service was too long ago for their records.
- 21 On 11 December 2018, the New Zealand Security Intelligence Service emailed Operation Solar to see if the IP address had “been active recently accessing any content of security concern”. The New Zealand Security Intelligence Service advised Operation Solar that it was looking into the IP address from a right-wing extremism angle. The next day, Operation Solar responded to the New Zealand Security Intelligence Service, advising that it could not identify any additional activity on the IP address.
- 22 Following the response from Operation Solar, New Zealand Security Intelligence Service staff discussed what, if any, additional steps could be taken to identify the subscriber details. New Zealand Security Intelligence Service staff did not consider it appropriate to ask the Government Communications Security Bureau for assistance with the lead. They thought it would not have met the threshold to obtain a warrant (see Part 8, chapter 14) and that the Government Communications Security Bureau would be unlikely to hold information on an IP address last used more than a year before the request.
- 23 No other open-source checks were carried out. This is because people do not usually post their IP address on social media or other forums, and therefore open-source checks are unlikely to link an individual with an IP address.



- 24 New Zealand Security Intelligence Service staff concluded there were no other options available for investigating the IP address and determined the lead should be closed. Before closing the lead, the experienced investigator peer reviewed the investigative steps taken on the lead and agreed the lead should be closed. The investigator's manager told us they were not involved in the decision to close the lead.
- 25 On 12 December 2018, the investigator submitted the lead for closure and a manager in the Counter-Terrorism Unit approved closure of the lead. The New Zealand Security Intelligence Service noted that if the IP address came to its attention in the future, for instance through more recent reporting, another subscriber check would be submitted.
- 26 On 23 January 2019, the New Zealand Security Intelligence Service updated the Joint Leads Meeting. It said it could not identify the subscriber of the IP address and, because of that, the lead had been closed. It said that if the IP address came to its attention again, the lead would be re-opened.

Post-15 March 2019 review

- 27 On 16 March 2019, the New Zealand Security Intelligence Service reviewed 10 recently opened and closed leads that related to right-wing extremist ideologies. The purpose of re-opening these leads was to “identify any others who might hold similar right-wing views and be inspired by the 15 March attacks”. Investigating whether the IP address was associated with the individual was said to be a “useful” but secondary purpose.
- 28 The New Zealand Security Intelligence Service undertook the following checks to identify the subscriber of the IP address:
- a) It re-checked with Spark New Zealand Limited to see if subscriber information on the IP address was available.
 - b) It requested assistance from the Government Communications Security Bureau (which sought information from Five Eyes partners). The Government Communications Security Bureau also analysed the IP address. It was “unable to discover any additional information beyond that provided by the [New Zealand Security Intelligence Service]” because there was “no indication of who the customer was” at the time of the activity in the intelligence held by the Government Communications Security Bureau.
 - c) It requested assistance from Operation Solar.
 - d) It sought advice from Security Liaison Officers about any assistance that partners may have been able to provide. Security Liaison Officers are posted overseas to engage with a broad range of key international partners. They represent the interests of the New Zealand Security Intelligence Service and are a conduit for information sharing, joint training and other forms of cooperation. Security Liaison Officers work closely with other New Zealand government staff posted abroad, particularly those with national security and intelligence responsibilities.



- e) It cross-referenced the IP address with data from the individual's devices. The devices were the individual's mobile phone, an SD card from the individual's drone and his external hard drive, the latter two having been recovered by New Zealand Police (see *Part 4: The terrorist*). Spark New Zealand Limited also provided the New Zealand Security Intelligence Service with IP address information associated with the individual's internet router at 112 Somerville Street, Dunedin.
- f) It cross-referenced the IP address with the individual's online activity data sourced from ANZ Bank and Trade Me (provided to the New Zealand Security Intelligence Service by New Zealand Police). The ANZ Bank and Trade Me data was from the period 1 April 2018 to 13 March 2019. This is later than the IP address was accessing suspicious files.

- 29 None of these checks provided any further information about the IP address.
- 30 On 10 April 2019, the New Zealand Security Intelligence Service closed the lead again. The New Zealand Security Intelligence Service said that it had exhausted all possible options for identifying the subscriber of the IP address and it could not definitively exclude, or establish, a link between the IP address and the individual.

Was the lead correctly prioritised as low?

- 31 As noted earlier, the IP address lead was prioritised as low because, amongst other things, it did not have a clear national security nexus. It was reiterated to us during the hearing that the content accessed did not provide evidence of an imminent threat, the intent of the user of the IP address was unclear and the ideology was, on the face of it, also unclear. We agree. The activity had occurred more than 12 months before the intelligence report received from Operation Solar. There is nothing in the material accessed to suggest an imminent mobilisation to violence that required the New Zealand Security Intelligence Service to act under urgency and therefore give the lead a higher priority.
- 32 Additionally, there are practical reasons why leads of this type should be prioritised as low. We were told during the hearing that many people view violent and extreme content online either out of curiosity or to fuel their ideology, but not necessarily in preparation for acts of violence. It would be impracticable, and produce false positives, if all leads of this type were given a medium or high priority.
- 33 We are satisfied that the lead was correctly prioritised as low.

Were all reasonable steps taken?

- 34 There were inquiries that the New Zealand Security Intelligence Service might have undertaken on the IP address lead but did not:
- a) It did not check with Five Eyes partners or New Zealand Public sector agencies other than those at the Joint Leads Meeting. This is because the New Zealand Security Intelligence Service assessed that it would have been highly unlikely for those agencies to hold information about the subscriber of a New Zealand IP address last used more than a year before the request.



- b) It did not request information from financial institutions because such requests usually require the identity of a person to be known before these checks are made.
- c) It did not check with the Government Communications Security Bureau. This was for two reasons. First, we were told that the chances of the Government Communications Security Bureau holding information about the IP address that it had not already passed on were slim. Second, we were told that it would overwhelm the Government Communications Security Bureau's resources if all IP addresses (particularly those associated with low priority leads) were checked with it.

35 It is open to question whether checks with Five Eyes partners, other Public sector agencies, the Government Communications Security Bureau and, perhaps, financial institutions should have been carried out. At the time, the likelihood of such checks being successful was assessed as too low to justify making the requests. This assessment is supported by the lack of success the New Zealand Security Intelligence Service had in identifying further information relating to the IP address after 15 March 2019.

36 Given the lack of information available at the time, and the low priority of the lead, checks with the above-named agencies may not have met the “necessary and proportionate” test in the Intelligence and Security Act (see Part 8, chapter 14). Some of these checks may have required a warrant. And, even checks that would not have required a warrant may still have been disproportionate.

37 We are satisfied that the inquiries that were undertaken were reasonable.

3.5 Can the individual be associated with the IP address activity?

38 The IP address may have been based in Dunedin but we are not sure. Spark New Zealand Limited and the Government Communications Security Bureau both say that open-source look up tools are reliable to a country level and generally reliable to a city level. The Government Communications Security Bureau's analysis suggests that the IP address “is part of a range of IP addresses used by Spark New Zealand Limited for internet access services in the vicinity of Dunedin ... [and it] is likely that in the past, this IP address has also been assigned to some Spark New Zealand Limited broadband customers in the vicinity of Dunedin”. This is consistent with what Spark New Zealand Limited advised in 2018 – that the IP address was “within a range of IP addresses owned by Spark” on 31 August 2017 and was “in the range for DSL Broadband” connections.

39 Spark New Zealand Limited has recently informed us that it cannot find any records of activity associated with the IP address range 122.61.118.0–122.61.118.255 (which includes the IP address in which we are interested). It told us that it is possible that an overseas party may have identified this IP address range as unused and has advertised (and/or used) that range themselves. If this hypothesis is correct, there is no reason to associate the suspicious IP activity with Dunedin and thus the individual. We are not in a position to assess the likelihood of this.



- 40 The New Zealand Security Intelligence Service raised the possibility that the IP address was used as part of a Virtual Private Network (VPN) to conceal the location of the person accessing the suspicious files. If so, the person accessing the suspicious files may not have been in or around Dunedin at the time.
- 41 The discussion that follows proceeds on the basis that the IP address was probably based in Dunedin but may have been part of a VPN and was associated with a DSL connection.

Figure 37: Timeline of events relevant to the IP address lead

Date	Event
20 August 2017	The individual arrived in Dunedin on a Jetstar flight from Auckland. He checked in to the Law Courts Hotel.
23 August 2017	The individual purchased a mobile phone service from Spark New Zealand Limited.
23 August 2017	The individual signed the lease for his flat in Somerville Street, Dunedin.
24 August 2017 at 5.53 am (NZST)	The IP address (122.61.118.145) began accessing suspicious files.
24 August 2017	The individual checked out of the Law Courts Hotel.
24 August 2017	The individual purchased a home wireless broadband connection. He picked up the wireless modem from the Spark New Zealand Limited store in central Dunedin.
24 August 2017 at 12.47 pm (NZST)	The individual set up and tested his internet connection with Spark New Zealand Limited at his Somerville Street flat.
1 September 2017	The individual paid the application fee for a firearms licence.
4 September 2017 at 7.33 am (NZST)	The IP address (122.61.118.145) accessed suspicious files for the last time.
5 September 2017	The individual made a request to Spark New Zealand Limited to change his internet from a wireless service to fibre.
8 September 2017	The shift of the individual's internet from wireless to fibre was completed. The individual received a new IP address following the shift.



- 42 The individual arrived in Dunedin on 20 August 2017 and spent four nights at the Law Courts Hotel while he looked for a flat and purchased a car. He told us that, at that time, he had a laptop. He also had a mobile phone.
- 43 On 23 August 2017 he signed the lease for his Somerville Street flat. We were told that it is highly likely the individual was given the keys to the flat on 23 August 2017 and therefore had access to the flat from this point onwards. On 24 August 2017, he checked out of the hotel, began living at the Somerville Street flat, purchased internet access, picked up a modem from Spark New Zealand Limited and established an internet connection.
- 44 The accessing of suspicious files started on 24 August 2017 and finished on 4 September 2017. On 5 September 2017, the individual contacted Spark New Zealand Limited and requested a shift to the fibre network. The switch to fibre was effective from 8 September 2017, which resulted in the individual receiving a new IP address.
- 45 There are several factors that might suggest that the IP address activity was associated with the individual:
- a) The accessing of suspicious files was via an IP address probably associated with Dunedin at a time when the individual was in Dunedin.
 - b) The accessing of suspicious files occurred when the individual was taking concrete steps towards mobilising to violence. In particular, he applied for a firearms licence, paying his application fee on 1 September 2017.
 - c) The content accessed is broadly consistent with the individual's interests in firearms. The IP address accessed suspicious files on Magpul firearms parts and firearms tactics. We know that the individual later acquired Magpul firearms parts. We also know that he must have downloaded videos of firearms tactics at some time, because some were recovered from the SD card associated with his drone. While the firearms videos recovered from the drone SD card do not match the videos accessed by the IP address, it is possible that the individual downloaded, and later deleted, other firearms tactics videos that matched the suspicious files on firearms tactics accessed by the IP address. On his recovered "To do list" (see Part 4, chapter 6), he had instructed himself to go through and delete his videos to "make sure all is clean and good optics".
 - d) The content accessed by the IP address is consistent with the individual's interest in the Oslo terrorist. We know that at some point the individual must have downloaded the Oslo terrorist's manifesto. This is because it was recovered from the SD card associated with his drone.



e) The hypothesis that it was not the individual who used the IP address to access the suspicious files might appear to involve quite a coincidence – that there were two people with an actual or probable connection to the same place (the individual who was in Dunedin and another person using an IP address probably associated with Dunedin) at the same time acting on similar interests in firearms and terrorism (the individual, by applying for a firearms licence and the other person, by accessing the suspicious files).

46 There are, however, some complicating considerations.

47 The IP address was associated with a DSL internet access service.

48 If the individual was responsible for the IP address activity, he needed to have had either his own DSL internet access service or access to another DSL internet access service (perhaps using public WiFi or a VPN) at 5.53 am on 24 August 2017 and to have had continued access to the same internet access service until 4 September 2017.

49 We know that the individual bought his modem on 24 August 2017, and that his internet connection was established at 12.47 pm that day at his Somerville Street flat. We can exclude the possibility that the IP address was associated with the internet connection established at Somerville Street on 24 August 2017 for two reasons:

a) The individual did not have access to that internet connection until 12.47 pm, approximately seven hours after the accessing of suspicious files began at 5.53 am.

b) The wireless internet access established did not use a DSL connection.

50 There are other ways in which the individual may have been responsible for the IP address activity. In particular, he may have accessed the suspicious files using:

a) a previous occupant's modem and internet connection or an unsecured WiFi access point at, or in, close proximity to 112 Somerville Street ("the first scenario");

b) a free public WiFi service or free WiFi at a local business ("the second scenario"); or

c) a VPN ("the third scenario").

In each of these scenarios, the IP address may have been associated with the internet connection through which the individual accessed the suspicious files.

51 In the case of the second and third scenarios, it would have been practically difficult, perhaps almost impossible, to link the suspicious internet activity to the individual. For our purposes, they are thus of limited relevance. We will, however, discuss each of the scenarios in turn.



- 52 The first scenario, accessing the suspicious files from Somerville Street, could have happened in two ways. Spark New Zealand Limited had provided internet access to a previous occupant at 112 Somerville Street. Although the account was terminated on 3 August 2017, it is possible that the service remained intact and live. The previous occupant may have left the modem behind along with the password, assuming there was one. If so, the individual could have used it after he had access to the flat. As well, it is conceivable that there was an unsecured WiFi access point close to 112 Somerville Street (perhaps in a nearby residence) that the individual may have been able to use. Either of these mechanisms would have enabled him to access the internet from Somerville Street.
- 53 This first scenario assumes that the individual was at Somerville Street at 5.53 am on 24 August 2017. He had paid to stay at the Law Courts Hotel on the night of 23 August 2017 and checked out on 24 August 2017 from that hotel. Checkout is from 7.00 am–10.00 am. There is no obvious reason why he would have been in Somerville Street at 5.53 am. This is particularly so given that the individual's flat was unfurnished on 23 August 2017 and he did not purchase any furniture until the afternoon of 24 August 2017. These timings indicate that this scenario is not particularly plausible.
- 54 In the second scenario, the individual accessed the suspicious files using the same public WiFi service or free WiFi at a local establishment (such as McDonald's or Starbucks). This, however, would have been highly inconvenient for the individual given the times of day the IP address was active.
- 55 We can illustrate the point just made by being more specific. It is possible that the individual may have used WiFi at the Law Courts Hotel to access suspicious files at 5.53 am on 24 August 2017 and then returned to that hotel to access, in the same way, the same WiFi over the next 11 days (that is until 4 September 2017). Leaving aside whether he would practically have been able to access WiFi there after checking out, it does not seem very likely that he would have gone to the trouble of travelling back to the Law Courts Hotel on all other occasions when the suspicious files were accessed, given that there were more convenient alternatives open to him. So, the second scenario too is not very plausible.
- 56 In the third scenario, the individual accessed the suspicious files using a VPN. In this scenario, the individual:
- a) started to access the suspicious files at 5.53 am on 24 August 2017, perhaps using his mobile phone and a VPN which used the Dunedin-associated IP address; and
 - b) continued to access the suspicious files over the next 11 days, using either his mobile phone or other devices and connections, via the same VPN and Dunedin-associated IP address.



- 57 We have looked closely at the individual's financial transactions over the relevant period. None exclude the possibility that he could have accessed the internet at the relevant times. However, the individual made financial transactions around two of the relevant times of IP address activity – 7.45 pm and 8.15 pm on 24 August 2017 – that have implications for the plausibility of the third scenario. The two transactions were:
- a) At 7.06.19 pm, the individual paid for some 20 household items at the checkout at The Warehouse South Dunedin using an Australian bank card, which was debited with AU\$407.20.
 - b) At 8.36.19 pm, the individual paid for groceries at the checkout at the Pak N Save supermarket in South Dunedin using an Australian bank card, which was debited with AU\$176.74.
- 58 The two shops (The Warehouse and Pak N Save) share a carpark. It is about six minutes away, by car, from 112 Somerville Street.
- 59 The individual could have completed these transactions and accessed the internet at 7.45 pm and 8.15 pm by either staying in or around the two shops and using a mobile device or returning to 112 Somerville Street to access the internet from there and then driving back to shop at Pak N Save. The plausibility of the first option is questionable, given the convenience of accessing the suspicious files at his home and the inconvenience of doing so, presumably from his car, in between shopping. Equally open to question is the plausibility of the second option given timing constraints.
- 60 Allowing for the time necessary for the individual to get back to his car from The Warehouse checkout, put the goods in his car and drive back to 112 Somerville Street, he could have been there in time to access the internet at 7.45 pm. But if allowance is also made for unpacking his car at 112 Somerville Street and putting away his purchases in his flat, the timing becomes a little tighter.
- 61 The next relevant time for the IP address activity is 8.15 pm on the same night. In relation to this, the timing is distinctly tight. Assuming the individual left Somerville Street at say 8.16 pm, and making reasonable allowances for the time required to get into his car, drive to Pak N Save (six minutes away), park his car and walk into the Pak N Save, he could not have commenced shopping before 8.25 pm. This leaves only 11 minutes to select AU\$176.74 worth of groceries, get to the checkout and pay by 8.36 pm. All of this assumes that after the individual returned to his flat from The Warehouse, he began accessing the internet at 7.45 pm either without unpacking and sorting out the 20 items he had just purchased or doing so very quickly. It also assumes that he again accessed the internet at 8.15 pm but then left almost immediately for Pak N Save, without bothering to review the suspicious files he had accessed, drove to Pak N Save and selected and paid for a reasonably substantial amount of groceries, all within approximately 20 minutes.



- 62 The third scenario also assumes that:
- a) the individual used a VPN configured to use the same IP address on each occasion the suspicious files were accessed, thus creating a discernible pattern;
 - b) the IP address was associated with New Zealand and Dunedin, meaning that the pattern created was associated with the country to which he had just moved and the city in which he had just started to live; and
 - c) he therefore acted in an incautious way, which is not particularly consistent with the use of a VPN and his attempts at operational security.
- 63 The significance of the coincidence to which we have referred above (that there were two people with an actual or probable connection to the same place at the same time acting on similar interests in firearms and terrorism) depends on how common it is for such files to be accessed. On the material we have seen, this is rather more common than most people might expect.
- 64 In the end, we are not confident either way whether it was the individual who accessed the suspicious files. What is more significant is that, if he did so, it was almost certainly in a way that prevented him being linked to the accessing of those files.
- 65 For the sake of completeness, we note that during our interview with the individual we did not ask him directly whether he was responsible for the IP address activity. This was because the information relating to the IP address and the accessing of suspicious files had not been declassified at the time of our interview. We did, however, ask him some related questions. In response to these, the individual told us that:
- a) he did not download the Oslo terrorist's manifesto until mid-2018;
 - b) he frequently used public WiFi connections when he was travelling; and
 - c) he was familiar with the use of VPNs and Tor browsers.

3.6 Could the IP address have come to light sooner?

- 66 We have considered if Public sector agencies were remiss in not earlier getting data on New Zealand-based IP addresses accessing content of national security concern, say in late 2017 or early 2018. We do not believe they were.
- 67 At the time, the New Zealand Security Intelligence Service did not have a tool to enable them to find IP addresses accessing content of national security concern. Operation Solar did not come with a list of capabilities and tools. So, it was for the New Zealand personnel to identify the capabilities and tools and test how they could be applied to support New Zealand's counter-terrorism effort. This did not happen until well into 2018.



3.7 Concluding comments

- 68 We are uncertain whether the individual was responsible for the IP address activity. If he was responsible for accessing the suspicious files, he did so in a way that prevented the activity being linked to him. It was therefore not information that could or should have alerted Public sector agencies to the terrorist attack.
- 69 For the reasons given above, we are, in any event, satisfied that the New Zealand Security Intelligence Service followed appropriate leads management processes in dealing with the IP address lead.

Chapter 4: Did Public sector agencies have information about the Barry Harry Tarry username?

4.1 How the issue arose

- 1 After 15 March 2019, the New Zealand Security Intelligence Service commissioned a review by an external assessor of its processes and decision-making in the lead up to 15 March 2019 (the Arotake Review).²
- 2 An employee involved in the immediate post-attack investigation became aware that the individual had used the username Barry Harry Tarry (see *Part 4: The terrorist*). They recalled that, sometime in 2018, while they were on secondment to the Combined Threat Assessment Group, they had seen a report containing images of social media posts made by Barry Harry Tarry. The employee reported their recollection to the external assessor carrying out the Arotake Review.
- 3 The New Zealand Security Intelligence Service undertook a comprehensive search of its records, but neither it nor the external assessor was able to validate the memory. We have received full cooperation from both the employee and the New Zealand Security Intelligence Service in our inquiries into this matter.
- 4 The employee said that the posts comprised a limited amount of “social media-type material, including broadly right-wing views and memes”. The employee said that the posts “did not appear inherently threatening or violent”, and that the material was similar to the online rhetoric used by those who hold extreme right-wing views (see Part 2, chapter 5).
- 5 The employee’s recollection is that the material did not warrant escalation due to lack of intent, capability or imminence. The employee said that if the material had been seen as warranting escalation, they would have submitted it to the New Zealand Security Intelligence Service’s Counter-Terrorism Unit for leads triage. In the normal course of their job, the employee is “regularly exposed to threat-related information” and the New Zealand Security Intelligence Service considers the employee “well qualified to judge ... information and whether it warranted escalation”.
- 6 The employee recalled discussing the posts with a colleague (or colleagues) at the time. However, no one else could recall the conversation or the Barry Harry Tarry username.
- 7 The material was not referred on.³ As a result, the Barry Harry Tarry posts were never the subject of a lead investigation and thus we have avoided using that term in this context.

² New Zealand Security Intelligence Service *The 2019 Terrorist Attacks in Christchurch: A review into NZSIS processes and decision making in the lead up to the 15 March attacks (Arotake Review)* (June 2019).

³ New Zealand Security Intelligence Service, footnote 2 above.

4.2 What did the employee see?

- 8 This is an elusive issue.
- 9 The employee's memory is that the social media posts from Barry Harry Tarry were in a finished intelligence report, which was in a system accessible to the Combined Threat Assessment Group.⁴ The Combined Threat Assessment Group is responsible for preparing threat assessments that inform decision-makers of the threat posed to New Zealand and New Zealanders by terrorism (see Part 8, chapter 4). Its role, therefore, is distinct from the New Zealand Security Intelligence Service's Counter-Terrorism Unit, which is responsible for investigating leads. While the Combined Threat Assessment Group may conduct its own online research, it typically receives and evaluates information in reports produced by other agencies and organisations, that is, processed intelligence reporting and assessment. It does not collect or access raw social media posts or other online material.
- 10 After 15 March 2019, the employee made authorised inquiries to try to substantiate (or otherwise) their recollection. The employee was unable to find any report or communication in the New Zealand Security Intelligence Service's records referencing Barry Harry Tarry that pre-dated 15 March 2019.
- 11 In addition to the employee's inquiries, the New Zealand Security Intelligence Service also conducted a thorough search of the New Zealand Intelligence Community's records, including its own records. The search included speaking with the employee's colleagues. There was nothing found that referenced Barry Harry Tarry dated before 15 March 2019. The search did not, however, include a search of images that were not in a machine-readable format. That said, no collection activity has been identified that could have resulted in reporting containing images such as those the employee recalled seeing.
- 12 We also asked New Zealand Police and the Government Communications Security Bureau (which contribute funding and seconded staff to the Combined Threat Assessment Group) to search their records for material referencing Barry Harry Tarry dated before 15 March 2019. Neither agency had any information on Barry Harry Tarry.
- 13 We know that on 12 February 2018, the individual made several posts to The Lads Society Season Two Facebook page under the username Barry Harry Tarry (see Part 4, chapter 4). These posts correspond generally to what the employee said they saw, because:
- a) they are social media posts by Barry Harry Tarry;
 - b) the posts use Islamophobic language and indicate a right-wing extremist ideology; and
 - c) the tone of comments would likely have attracted the interest of an intelligence officer who saw them.

⁴ New Zealand Security Intelligence Service, footnote 2 above.

- 14 We inquired into whether the The Lads Society Season Two Facebook page posts made by Barry Harry Tarry may have been what the employee remembers viewing. However, the employee did not recognise the posts when we showed them to the employee. We have also found no plausible mechanism by which the posts could have been provided to the Combined Threat Assessment Group. As well, the Australian Security Intelligence Organisation told us:

Before 15 March 2019, the individual ... had not been identified by [the Australian Security Intelligence Organisation], nor was he the subject of an [Australian Security Intelligence Organisation] investigation. Consequently, [the Australian Security Intelligence Organisation] had not shared any information on the individual with [the New Zealand Security Intelligence Service] or any other New Zealand agency before the [terrorist] attacks.

- 15 We therefore think it is possible that the employee's memory may be awry.

4.3 Concluding comments

- 16 The only posts associated with the username Barry Harry Tarry that we are aware of, and that may have warranted investigation, are those set out in Part 4, chapter 4. As explained, we are satisfied that the employee could not have seen these posts before 15 March 2019.
- 17 If the employee saw some posts of which we are not aware, we are in no position to second-guess their assessment that they did not justify further action.

Chapter 5: Bruce Rifle Club allegations



Section 15
orders

5.1 Overview

- 1 On 19 March 2019, Peter Breidahl claimed in a Facebook post to have had concerns about the culture and conduct of people (including the individual) at the Bruce Rifle Club. These concerns arose from a visit Peter Breidahl made to the Bruce Rifle Club on 19 November 2017 to take part in a shooting competition.
- 2 He also claimed that he had raised these concerns with New Zealand Police in late 2017. In the Facebook post, he said that the Bruce Rifle Club was “the perfect breeding ground” for someone to train for a terrorist attack. He repeated these allegations during an interview with New Zealand Police on 21 March 2019.
- 3 If Peter Breidahl’s allegations are correct, this means that New Zealand Police had information (in the form of the complaint) before 15 March 2019 about a group of people that included the individual. The position of New Zealand Police is that no such complaint was made.
- 4 Our Terms of Reference required us to identify what information New Zealand Police held about the individual. We had to therefore address whether:
 - a) the individual was present at the Bruce Rifle Club on 19 November 2017 (and so was a subject of the alleged complaint); and
 - b) Peter Breidahl made a complaint to New Zealand Police as he claims.
- 5 In the course of our inquiries, we have spoken to Peter Breidahl, his former partner, a friend of his who accompanied him to the Bruce Rifle Club on 19 November 2017, members of the Bruce Rifle Club (including some who were present at the competition on 19 November 2017) and the former District Arms Officer to whom he claims to have made the complaint and who gave evidence to us under oath. We have reviewed New Zealand Police interviews of those involved, the club’s records, relevant email correspondence, photographs taken on the day of the competition, Facebook posts made by Peter Breidahl and the diary of a club member. We also asked the individual whether he went to the Bruce Rifle Club on 19 November 2017.
- 6 In this chapter we evaluate the issues raised under the following headings:
 - a) The allegations.
 - b) What happened at the Bruce Rifle Club on 19 November 2017?
 - c) Was the individual present at the Bruce Rifle Club on 19 November 2017?
 - d) Did Peter Breidahl make a complaint to New Zealand Police about the Bruce Rifle Club?



5.2 The allegations

- 7 Peter Breidahl is not a member of the Bruce Rifle Club. Before 19 November 2017, he had been to its range on one occasion, to sight a rifle. The reason for his visit on 19 November 2017 was to participate in a shooting competition that was open to non-members.
- 8 Peter Breidahl's position is that, because of what he saw and heard on 19 November 2017, he was concerned about the "ethos and values of the club members". This position was explained in his 19 March 2019 Facebook post, during his interview with New Zealand Police and during discussion with us. He has given several reasons for his concern:
 - a) Some members of the Bruce Rifle Club were dressed in camouflage "to look like militia at the range" and others were wearing military rank insignia. He told us that he thought other rifle clubs would send home anyone dressed in that way and, if it happened again, ban the person from the range.
 - b) He heard numerous Islamophobic comments. For example, he heard a club member say that the number of Muslim immigrants in New Zealand meant that the New Zealand Army would have to be deployed in the streets to counter the risk of terrorism.
 - c) There was a person present who was talking about combat and the 1996 Port Arthur mass shooting in Tasmania, Australia while holding the same kind of weapon used in that attack. His belief is that this person was the individual.
 - d) Some members passed around military style semi-automatic firearms to other members who were not authorised to handle such firearms.
 - e) Confederate flags hung from the walls of the Bruce Rifle Club. Although this is what Peter Breidahl said during his interview with New Zealand Police, when speaking to us he conceded that he had not seen confederate flags but claimed to have seen confederate stickers on vehicles and gun cases.
 - f) He heard a member say that if university students can carry skateboards, he should be allowed to carry a firearm on the basis that skateboards and firearms are both sporting equipment.
 - g) Some members were talking about zombies and the perfect weapon for a zombie apocalypse. Peter Breidahl told us that he thought this was not an appropriate conversation to have at a rifle club.



- 9 In his statement to New Zealand Police made after his 19 March 2019 Facebook post, Peter Breidahl said that:
- a) the culture of the Bruce Rifle Club, and particularly the discussion about the Port Arthur attack, disturbed him to such an extent that he left the shooting competition early; and
 - b) on 20 or 21 November 2017 he lodged a formal complaint in person with the former District Arms Officer at Dunedin Central Police Station.
- 10 In his interview with New Zealand Police on 21 March 2019, and again when speaking to us, Peter Breidahl said that he asked New Zealand Police in 2017 to send a plainclothes officer to a range shoot at the Bruce Rifle Club. He expected that, if this happened, it would result in members' firearms licences being revoked. He said that the former District Arms Officer he spoke with dismissed his concerns and told him "they're a bit funny down there but they're all right, it's nothing to worry about". He also told us that the former District Arms Officer responded to concerns he expressed about a particular member of the Bruce Rifle Club by saying that the member was "a silly old duffer" and not to worry about them.
- 11 In his Facebook post on 19 March 2019, Peter Breidahl said that he had met the individual at the Bruce Rifle Club on 19 November 2017 and that he was "not fucking right". In his statement to New Zealand Police on 21 March 2019, Peter Breidahl said that he "strongly" believed he had seen the individual at the competition. He said the individual was involved in the conversation about the Port Arthur attack, and that he had been holding the same kind of weapon used in that attack at the time. He said that the individual "knew far too much about what happened [in Port Arthur]", such as where victims were shot and the position of their bodies. Peter Breidahl also confirmed to us that he believed he had seen the individual at the Bruce Rifle Club on 19 November 2017 (although he conceded he could not be certain). He recalled that what stood out about the person he thought was the individual was his lack of empathy when discussing the details of the Port Arthur attack.

5.3 What happened at the Bruce Rifle Club on 19 November 2017?

- 12 We think it is appropriate to review the evidence about what happened at the competition held at the Bruce Rifle Club on 19 November 2017.
- 13 We were not required to make findings about the conduct of private individuals and thus did not attempt to resolve all differences of opinion about what happened that day. There is no doubt that Peter Breidahl was concerned about what he saw and heard at the Bruce Rifle Club on 19 November 2017 and that for this and perhaps other reasons, his interactions with members were acrimonious.



- 14 In a series of posts made on 19 and 20 November 2017 on a Facebook page titled “canterbury long range lead throwers club”, Peter Breidahl discussed what had happened at the competition. In these posts he mentioned the word zombie, complained about the clothing worn and claimed that someone had said that because refugees were being let in “we will have the army deployed on the streets of Dunedin soon due to all the terrors attacks we will be facing”. He also mentioned that there had been discussion of a “sniper threat” at the university and whether someone could bring a gun to the university, and that there had been a suggestion equating skateboards to firearms as they were both sporting items. We will come back shortly to the detail of some of these posts.
- 15 A friend of Peter Breidahl went with him to the Bruce Rifle Club on 19 November 2017 but did not take part in the competition. On 26 March 2019, this friend told New Zealand Police they remembered staying at Peter Breidahl’s house the night before the competition and driving with him to the Bruce Rifle Club the following morning.
- 16 Peter Breidahl’s friend told New Zealand Police they found it concerning that there was “glorification” by Bruce Rifle Club members of camouflage clothing, branded hats and shooting equipment. They recalled a conversation at the competition about gun regulation, and a comment that it was unfair that university students could carry skateboards on campus, but firearms owners could not carry weapons. They told New Zealand Police they were “a bit concerned” about this comment and told us that Peter Breidahl had openly disagreed with it at the time. They also told New Zealand Police, and later repeated to us, that there was “quite a heated discussion” at the end of the competition that Peter Breidahl may have been engaged in, but they could not remember what it was about.
- 17 Peter Breidahl’s friend told New Zealand Police that they left the competition with the overall impression that the Bruce Rifle Club was not a “healthy social community”, that its members “shared similar viewpoints” and did not seem to “have many other social interactions”. They told New Zealand Police and us that they and Peter Breidahl talked about their shared concerns during the car ride home and at dinner that evening. However, they did not know whether Peter Breidahl had told anyone else about his concerns.
- 18 Peter Breidahl’s former partner told us that he had complained about the competition when he returned home that night, specifically that attendees were dressed in camouflage clothing and talked about what they would do when the zombie apocalypse came. They believe that Peter Breidahl may have had issues with safety at the Bruce Rifle Club but could not recall him raising any other complaints. They told us they did not think anything of his complaints at the time.



- 19 In his interview with New Zealand Police on 21 March 2019, Peter Breidahl said that his account of what happened at the Bruce Rifle Club on 19 November 2017 could be backed up by a member who had been at the competition. That person was also interviewed by New Zealand Police on 21 March 2019. They recalled the conversation about the Port Arthur attack but said that it was about the changes to firearms legislation in Australia, that there was “nothing untoward” about what was said and that there had been no one “supporting what had occurred [during the attack]”. They also said that Peter Breidahl did not leave the competition early, instead staying to complete the competition.
- 20 Members of the Bruce Rifle Club who gave statements to New Zealand Police after the terrorist attack and who spoke to us strongly challenged most of Peter Breidahl’s claims about the culture of the club. They:
- a) confirmed that Peter Breidahl had complained on the day about people at the competition wearing camouflage, but noted that some members, including former military personnel, choose to wear camouflage clothing as it is hard wearing and practical;
 - b) believed that, to the extent that political views and issues are shared and discussed at the club, they are not extreme or otherwise of concern;
 - c) confirmed that while members talk about mass shootings, particularly if they have recently been in the news, these are general discussions and do not glorify such events;
 - d) denied having seen military style semi-automatic firearms passed to people who were not authorised to handle them;
 - e) denied having seen confederate flags at the club; and
 - f) believed that any conversation about zombies would have related to television shows or marketing of firearm accessories, such as Zombie Max ammunition.
- 21 One of the Bruce Rifle Club members stated that, while the club generally has a friendly and welcoming atmosphere, racist statements might be made occasionally. No one from the Bruce Rifle Club we spoke to could recall anyone making racist comments on the day of the competition.

5.4 Was the individual present at the Bruce Rifle Club on 19 November 2017?

- 22 The individual’s first contact with the Bruce Rifle Club was in January 2017, when he emailed the club (from Europe) enquiring whether it was still open. During the communications that followed, he said that he was “not in the area” but was looking to “move down that way sometime in August” and would “[h]opefully drop in sometime in August” (see Part 4, chapter 3).



Figure 38: Timeline of events relevant to whether the individual was present at the Bruce Rifle Club on 19 November 2017

Date	Event
21–22 January 2017	Email correspondence between the individual and the Bruce Rifle Club about whether the club was still open.
17 August 2017	The individual arrived in New Zealand.
20 August 2017	The individual arrived in Dunedin.
1 September 2017	The individual applied for a firearms licence.
27 October 2017	Peter Breidahl made initial contact with the Bruce Rifle Club about participating in the competition on 19 November 2017.
15 November 2017	Peter Breidahl contacted the Bruce Rifle Club to register for the competition.
16 November 2017	Former District Arms Officer granted the individual a firearms licence and submitted a request for the individual’s firearms licence card to be created.
17 November 2017	Peter Breidahl confirmed he would attend the competition and asked if a friend could attend.
19 November 2017	Bruce Rifle Club competition held. Peter Breidahl is recorded as attending, but there is no record of Peter Breidahl’s friend or the individual attending. Peter Breidahl made posts on the “canterbury long range lead throwers club” Facebook page about the Bruce Rifle Club.
20 November 2017	Peter Breidahl made further posts on the “canterbury long range lead throwers club” Facebook page.
4 December 2017	The individual purchased his first firearm from Hunting and Fishing Dunedin.
5 December 2017	The individual purchased ammunition from Lock, Stock and Smoking Barrel.
7 December 2017	The individual contacted the Otago Shooting Sports Rifle and Pistol Club about joining the club and received a reply.
12 December 2017	The individual purchased a semi-automatic firearm (the same kind of weapon as was used in the Port Arthur attack).



Date	Event
14 December 2017	The individual attended the Bruce Rifle Club for a probationary shoot.
20 December 2017	The individual emailed the Otago Shooting Sports Rifle and Pistol Club asking whether there was an upcoming shoot and received a reply.
7 January 2018	The individual attended the Otago Shooting Sports Rifle and Pistol Club.
9 January 2018	The individual emailed the Otago Shooting Sports Rifle and Pistol Club and attached a completed membership form.
10 January 2018	Email correspondence between the individual and the Otago Shooting Sports Rifle and Pistol Club.
14 February 2018	The individual's membership at the Otago Shooting Sports Rifle and Pistol Club was approved.
16 February 2018	The Otago Shooting Sports Rifle and Pistol Club emailed the individual to advise that his membership application had been approved.
17–18 February 2018	Email correspondence between the individual and the Otago Shooting Sports Rifle and Pistol Club.
18 February 2018	The individual attended the Otago Shooting Sports Rifle and Pistol Club, as did the secretary of the Bruce Rifle Club.
22 February 2018	The Bruce Rifle Club sent a group email (copied to the individual) advising that it would be open the following Sunday 25 February 2018.
25 February 2018	The individual attended the Bruce Rifle Club for a probationary shoot. The Bruce Rifle Club emailed a membership application to the individual.
26 February 2018	The individual completed an application form and emailed it to the Bruce Rifle Club. The individual's membership at the Bruce Rifle Club was approved.



- 23 There are some elements of uncertainty about these events:
- a) We do not know when the individual received his firearms licence card. It must have been after 16 November 2017 (when the former District Arms Officer approved his application) but before 4 December 2017 (when he bought his first firearm). It is, however, almost certain that he would not have received his firearms licence card by 19 November 2017, because the former District Arms Officer only asked for his card to be created on 16 November 2017. It usually takes several weeks for the card to be made and sent out to the licence holder.
 - b) We know that the secretary of the Bruce Rifle Club met the individual, but not when this was. The secretary told us they met the individual at the Otago Shooting Sports Rifle and Pistol Club in late November or early December 2017. This seems unlikely. The individual did not email the Otago Shooting Sports Rifle and Pistol Club until 7 December 2017 and there is no record of him attending that club until 7 January 2018. As well, records indicate that the first time both the individual and the secretary attended the Otago Shooting Sports Rifle and Pistol Club was on 18 February 2018. It is likely that the individual and the secretary met on that date because on 22 February 2018 the secretary copied the individual into a group email telling interested parties that the Bruce Rifle Club would be open on Sunday 25 February 2018.
 - c) The individual is first recorded as attending the Bruce Rifle Club on 14 December 2017. The context in which this occurred is unclear, but it appears that it was a probationary shoot. We have not been able to obtain evidence that establishes clearly how this was arranged. The individual told us that he had contacted the club and had arranged to meet a member at the gate. When we explained to him that there is no record of relevant emails in December 2017 between him and the club, he said that the contact may have been by text.
- 24 The following factors support the view that the individual was at the Bruce Rifle Club on 19 November 2017:
- a) Peter Breidahl believes that the individual was there and discussed the Port Arthur attack while holding the same kind of weapon used in that attack. As we have earlier noted, the individual had been to Port Arthur (see Part 4, chapter 2). The individual purchased the same kind of weapon used in the Port Arthur attack but not until 12 December 2017.
 - b) Peter Breidahl's friend who attended the competition with him also believes that the individual was there. In their discussion with us, Peter Breidahl's friend pointed out a person in one of the photographs from the competition whom they thought was the individual. That person is not the individual.
 - c) The individual's confirmed attendance at the Bruce Rifle Club on 14 December 2017 may have been encouraged by discussions with members if he had been at the competition on 19 November 2017.



- 25 There are several factors that suggest that the individual was not at the Bruce Rifle Club on 19 November 2017:
- a) It is distinctly unlikely that the individual had his firearms licence card by 19 November 2017, and he had not bought any firearms by that date. There is evidence (attendance records and emails) confirming his presence at shooting ranges after he had bought his first firearm (on 4 December 2017) but no such evidence of any earlier attendance.
 - b) The individual is not noted as a member or non-member attendee on the competition attendance sheet. Although there were four observers (that is, non-participants) at the competition whose names were not recorded, the individual does not appear to have known anyone who was there and there is no apparent reason why he would have gone as an observer.
 - c) The behaviour attributed to the individual by Peter Breidahl is odd. It does not seem very likely that the individual would have gone to a club, where he did not know anyone, and made unpleasant remarks about the Port Arthur attack while holding the same kind of weapon used in that attack. If he had been holding that weapon, it would have been someone else's, given that he had not yet bought his first firearm. Such behaviour is not consistent with how the individual behaved at the Bruce Rifle Club after he joined nor his general caution about drawing attention to himself.
 - d) The individual is not visible in photographs taken at the competition.
 - e) If Peter Breidahl and his friend saw the individual on 19 November 2017 as they believe, this would have been the only occasion they ever met him. This was 16 months before the terrorist attack.
 - f) Members of the Bruce Rifle Club who were at the competition on 19 November 2017 say that the individual was not there. They are better placed to comment on this, as they have the advantage of having come to know the individual after he became a member in February 2018.
 - g) The individual told us that he was not present at the Bruce Rifle Club on 19 November 2017.
 - h) We have checked electronic records of the individual's financial transactions and attendance at his gym. There is nothing in that evidence that is inconsistent with him being at the Bruce Rifle Club on 19 November 2017. He did, however, use a credit card at the Pak N Save supermarket in South Dunedin at 1.53 pm that day. As the competition ran from 9.00 am to 3.00 pm, the individual could have attended in the morning, but, given the distance between the Bruce Rifle Club and Pak N Save (approximately 50 kilometres), he would have to have left the club by 1.00 pm or shortly afterwards.



Peter Breidahl could not recall exactly the time of day when he talked to the man whom he thought was the individual. But Peter Breidahl said that he felt as though it was more likely towards the end of the day. It is not very probable that the individual would have driven from Pak N Save to the Bruce Rifle Club, to arrive there just before the competition ended.

- 26 Based on the evidence we have reviewed, we think it more likely than not that the individual did not attend the competition at the Bruce Rifle Club on 19 November 2017. Accordingly, we conclude that he was not there. It follows that we also conclude that any complaint Peter Breidahl may have made to New Zealand Police about the Bruce Rifle Club was not about the individual. This conclusion may be enough to address the requirement in our Terms of Reference but, for the sake of completeness, we think it appropriate also to address whether such a complaint was made.

5.5 Did Peter Breidahl make a complaint to New Zealand Police about the Bruce Rifle Club?

- 27 Peter Breidahl claims that he lodged a formal complaint to the former Dunedin District Arms Officer on 20 or 21 November 2017 about the Bruce Rifle Club. The position of New Zealand Police is that Peter Breidahl did not make such a complaint. There are no records of any such complaint. The former District Arms Officer to whom Peter Breidahl claims the complaint was made has no recollection of Peter Breidahl raising any concerns.
- 28 We have no doubt that at the time, and in the immediate aftermath, of the competition, Peter Breidahl had concerns about the Bruce Rifle Club. It is clear that he took exception to the wearing of camouflage clothing. We note that the friend who accompanied him also had some concerns about the participants at the Bruce Rifle Club. And his former partner confirmed that, following the competition, Peter Breidahl voiced complaints about some of the behaviour he had observed that day. That he had concerns and complaints is perfectly apparent from his comments on the “canterbury long range lead throwers club” Facebook page.
- 29 The former Dunedin District Arms Officer had dealt with Peter Breidahl on two earlier occasions. On 27 June 2017, the former District Arms Officer and a sworn police officer met with Peter Breidahl. The purpose of the meeting was to discuss whether Peter Breidahl’s firearms licence should be revoked, after New Zealand Police had received evidence that he had stored a firearm in the boot of his car secured by a cable. In a statement to New Zealand Police and in evidence to us, the former District Arms Officer recalled Peter Breidahl being “agitated” and “swearing repeatedly” to the point where the sworn police officer told him to calm down.



- 30 Following the meeting, Peter Breidahl was issued with a warning in relation to the firearm in the boot incident. One of the conditions of the related decision not to revoke his firearms licence was that he had to surrender a firearm. On 30 June 2017 he handed over that firearm to the former District Arms Officer. The former District Arms Officer had been anxious about dealing with Peter Breidahl again, given his behaviour on 27 June 2017. As it turned out, Peter Breidahl's behaviour when he handed over the firearm on 30 June 2017 was unremarkable.
- 31 When he spoke to us, Peter Breidahl acknowledged that he had previously dealt with the former District Arms Officer and a sworn police officer in the context of the discussion over whether his firearms licence should be revoked. He also acknowledged that that the former District Arms Officer would have remembered those interactions.
- 32 Some of Peter Breidahl's 19 and 20 November 2017 posts on the Facebook page titled "canterbury long range lead throwers club" are relevant to whether he made a complaint to the former District Arms Officer. We have already referred to one post in which he said one member believed that the army would be "deployed on the streets of Dunedin". In the same post he mentioned another member, saying:

I think most people right [the club member] off as some sort of harmless old duffer. I have no doubt [they know] the arms officer very well and would no doubt be used to [their] ramblings.

- 33 The person Peter Breidahl was talking about is the same person he (Peter Breidahl) told us he complained about to the former District Arms Officer. He told us that the former District Arms Officer had responded saying that the member was a "silly old duffer".
- 34 In response to this post, another commenter offered this advice:

Id make a call to the arms officer the [club member] sounds like a fruit loop the next aramoana type fruit loop.

- 35 Peter Breidahl responded to this advice, on 20 November 2017:

... the thing is.... There were SO many red flags from so many people. It's not my place to make that call. ...



- 36 Three points come out of this.
- 37 First, it is clear that Peter Breidahl was not the first person to raise the idea of making a call to the former District Arms Officer, as it was suggested by another commenter in response to his Facebook posts.
- 38 Second, in response to the commenter, Peter Breidahl indicated that he did not intend to call the former District Arms Officer. When we put this to him in the natural justice process (see Part 1, chapter 4), Peter Breidahl said:

It's not my place to make the call on who should or should not make the call as to who is the holder of a firearms license. That is the job of the arms officer.

- 39 This explanation is not consistent with the details of the exchange. The suggestion was made that he “make a call to the Arms Officer”. His response was that it was not for him “to make that call”. This most easily reads as a statement that he was not going to call the former District Arms Officer as had just been suggested. Indeed, it is difficult to read it any other way. Although it is possible that he later changed his mind, an initial statement on 20 November 2017 that he did not intend to contact the former District Arms Officer (“it’s not my place to make that call”) followed by an immediate change of heart on 20 or 21 November 2017 (when he says he made the complaint) is not particularly consistent with his overall narrative.
- 40 Third, Peter Breidahl told us that the former District Arms Officer had dismissed his complaint about a member of the Bruce Rifle Club by saying that that member was a “silly old duffer”. Peter Breidahl used the same uncommon expression (“old duffer”) about that club member in his Facebook post before he could have talked to the former District Arms Officer. If what he says is correct, this is a surprising coincidence. A more likely explanation is that Peter Breidahl misattributed to the former District Arms Officer a view about that member – that they were an “old duffer” – that reflects not what the former District Arms Officer may have said but rather what Peter Breidahl thought.
- 41 In his discussion with us, Peter Breidahl said he told the friend who had gone with him to the competition that he would go to New Zealand Police with his concerns about the Bruce Rifle Club. The friend cannot recall this.



- 42 In a statement to New Zealand Police on 22 June 2019, his former partner recalled Peter Breidahl saying, about a week after the competition, that he had been to the Dunedin North Police station to make a complaint about what had happened during the competition. While his former partner could not remember what Peter Breidahl's complaint was about, they remembered him saying that the person he spoke to had asked him to make a written statement, but he had declined to do so. He had felt his word was enough. The former District Arms Officer was based at the Dunedin Central Police station. The former partner told us it would have been unlikely that Peter Breidahl would have gone to the Dunedin Central Police station after his experiences there in June 2017. They also said that they would have remembered if Peter Breidahl had gone to the Dunedin Central Police station as previously, he had been critical of the former District Arms Officer in relation to those experiences.
- 43 When speaking to us, Peter Breidahl was emphatic that his complaint had been made to the former District Arms Officer at Dunedin Central Police station and not at the Dunedin North Police station.
- 44 Given what had happened on 27 and 30 June 2017, we think it unlikely that the former District Arms Officer would have forgotten if Peter Breidahl had, about five months later, made a complaint about the Bruce Rifle Club. And if such a complaint had been made, we think it also unlikely that the former District Arms Officer would not have recorded it or referred it on to a sworn police officer.
- 45 Based on the evidence just described, we conclude that Peter Breidahl did not complain to New Zealand Police about the culture of the Bruce Rifle Club on 20 or 21 November 2017.

5.6 Concluding comments

- 46 We conclude that:
- a) the individual was not present at a competition held by the Bruce Rifle Club on 19 November 2017; and
 - b) Peter Breidahl did not complain to New Zealand Police about the culture of the Bruce Rifle Club on 20 or 21 November 2017.
- 47 We are therefore satisfied that New Zealand Police did not hold information about the individual in relation to the Bruce Rifle Club before 15 March 2019.
- 48 This is not to say, however, that the individual's behaviour at the Bruce Rifle Club after he joined it was unremarkable. The individual shot while standing up, he went through a large amount of ammunition and his primary interest appeared to be firing and changing magazines quickly (see Part 4, chapter 5). As well, some members at least were aware of his firearms injury and were involved in discussion with the individual about large capacity magazines.

Chapter 6: What Public sector agencies knew about the individual before the terrorist attack

6.1 Introduction

- 1 As set out in chapter 1, our Terms of Reference required us to make findings on whether there was any information provided or otherwise available to relevant Public sector agencies that could or should have alerted them to the terrorist attack.
- 2 We approached this question by asking all 217 Public sector agencies (see the appendix) to give us any information they held about the individual, looking at what information was held by Public sector agencies about the individual and considering whether such information could or should have alerted them to the terrorist attack. An agency with information that could or should have alerted it to the terrorist attack would be a relevant Public sector agency for the purposes of our inquiry.
- 3 Ten Public sector agencies held information about the individual before the terrorist attack. We set out what information each agency knew about the individual, and what they did with that information, under each of the following headings:
 - a) New Zealand Police.
 - b) Immigration New Zealand.
 - c) New Zealand Customs Service.
 - d) Ministry for Primary Industries.
 - e) New Zealand Post.
 - f) Southern District Health Board.
 - g) Accident Compensation Corporation.
 - h) Ministry of Health.
 - i) New Zealand Transport Agency.
 - j) Parliamentary Service.



6.2 New Zealand Police

Car accident

- 4 New Zealand Police held information about a car accident that the individual had while driving in Whanganui on 6 May 2013 during a visit to New Zealand (see Part 4, chapter 2). The individual had pulled over onto a grass verge to let another vehicle drive past, but his vehicle rolled forward off the road and down the verge. New Zealand Police attended the accident and recorded the individual's name and his address in Grafton, Australia and that he was involved in a single vehicle collision (meaning no other vehicles were involved). The individual was not charged and not issued with an infringement notice.

Application for a New Zealand firearms licence

- 5 New Zealand Police held copies of all the documents relating to the individual's application for a New Zealand standard firearms licence, which the individual applied for on 1 September 2017. These documents include his application form and the notes from interviews with the individual and his referees (gaming friend and their parent).
- 6 New Zealand Police processed the individual's firearms licence application. The former District Arms Officer granted his firearms licence on 16 November 2017. The individual's licence details were added to the National Intelligence Application database (see Part 5, chapter 5).

Firearms and ammunition purchases

- 7 New Zealand Police held mail order forms for all the firearms and ammunition the individual purchased online. The former District Arms Officer (or their delegate) checked the information on each mail order form against the individual's firearms licence details in the National Intelligence Application database.
- 8 After confirming that the address on the form matched the address on the individual's firearms licence, and that he was legally able to purchase the firearms and ammunition with his standard firearms licence, the former District Arms Officer (or their delegate) authorised the form and sent it to the seller to complete the purchases. This information was collected to authorise the purchase of the firearms and ammunition, not for the purpose of keeping records of firearms and ammunition purchases.

6.3 Immigration New Zealand

International travel

- 9 Immigration New Zealand held information about the individual's full legal name, date of birth, nationality and passport. It held information about the 11 flights the individual took into and out of New Zealand. For each flight, it held information about the carrier, flight number, departure location and arrival location.

Figure 39: The individual's flights that Immigration New Zealand knew about

Date	Flight
12 July 1999	Brisbane, Australia to Auckland, New Zealand
22 July 1999	Christchurch, New Zealand to Brisbane, Australia
28 March 2013	Coolangatta, Australia to Auckland, New Zealand
29 May 2013	Auckland, New Zealand to Coolangatta, Australia
17 August 2017	Sydney, Australia to Auckland, New Zealand
16 January 2018	Auckland, New Zealand to Tokyo, Japan, via Hong Kong
31 January 2018	Tokyo, Japan to Auckland, New Zealand, via Hong Kong
30 May 2018	Dunedin, New Zealand to Brisbane, Australia
5 June 2018	Brisbane, Australia to Dunedin, New Zealand, via Christchurch, New Zealand
17 October 2018	Dunedin, New Zealand to Brisbane, Australia, via Christchurch, New Zealand
28 December 2018	Brisbane, Australia to Dunedin, New Zealand, via Christchurch, New Zealand

- 10 Immigration New Zealand had information that the individual travelled to and from Japan with gaming friend in January 2018. Immigration New Zealand also had information that the individual did not travel with anyone else on any of his other flights from 17 August 2017 onwards.
- 11 Immigration New Zealand had the individual's departure and arrival cards from his last two international flights in 2018. On his arrival card of 28 December 2018, the individual said that the country he spent the most time in while he was overseas was Poland. He also listed the countries he had visited in the last 30 days as Australia, Estonia, Latvia, Lithuania and Poland (see Part 4, chapter 4).

- 12 Immigration New Zealand ran the information it knew about the individual through its automated screening system every time he flew into New Zealand (from 28 March 2013 onwards). This process raised no risks or issues about the individual. No agency ever raised a border alert against the individual and he was never subject to secondary processing at the border when he arrived in New Zealand. He was granted a resident visa and entry permission (or the equivalent under the Immigration Act 1987) each time he arrived in New Zealand.

6.4 New Zealand Customs Service

International travel

- 13 New Zealand Customs Service knew the individual's full legal name, date of birth and passport number. It held the same information as Immigration New Zealand did about the individual's 11 flights into and out of New Zealand between 12 July 1999 and 28 December 2018. It held information about how the individual was processed by New Zealand Customs Service officers each time he crossed the border.
- 14 From 17 August 2017 onwards, New Zealand Customs Service knew the following additional information about each of the individual's flights into and out of New Zealand:
- a) The individual's contact details.
 - b) When and where the flights were booked.
 - c) The name of any other person the individual booked to travel with.
 - d) Whether or not the individual paid for his flights and the method of payment.
 - e) Any changes the individual made to his flights after they were booked.
 - f) The individual's connecting domestic flights.
 - g) Whether the individual had any checked baggage.
- 15 Like Immigration New Zealand, New Zealand Customs Service had information that the individual travelled to and from Japan with gaming friend in January 2018. It also had information that the individual did not travel with anyone else on any of his other flights from 17 August 2017 onwards.
- 16 New Zealand Customs Service ran the information it knew about the individual through its automated targeting rules every time he flew into New Zealand from 28 March 2013 onwards, and every time he flew out of New Zealand from 28 September 2017 onwards. This process raised no risks or issues about the individual.

Exports and imports

- 17 New Zealand Customs Service held information on one item that the individual exported from New Zealand on 15 September 2017 and 26 items that the individual imported into New Zealand between 31 October 2017 and 17 January 2019 using courier or fast freight services. Two of the items imported by the individual (ballistic ceramic plates and plastic boards) were used in the terrorist attack (see Part 4, chapter 5), although the descriptions of these items (“Ceramic Plate;2;pcs” and “Plastic Board;2;pcs”) available to the New Zealand Customs Service would not have raised concerns.
- 18 New Zealand Customs Service ran its automated commodity-based alerts and rules-based targeting over all the items that the individual exported and imported. None of the items was prohibited or restricted or raised any other concerns. New Zealand Customs Service did not undertake any physical inspections of these imported or exported items.

6.5 Ministry for Primary Industries

- 19 The Ministry for Primary Industries held information on five of the items that the individual imported into New Zealand between 31 October 2017 and 17 January 2019. The descriptions of the goods were ambiguous, so they were flagged for further biosecurity risk assessment. These five items were a “zip”, a uniform, a digital camera and the ballistic ceramic plates and plastic boards that the individual used in the terrorist attack (see Part 4, chapter 5). The descriptions of the ballistic ceramic plates and plastic boards (“ceramic plates” and “plastic boards”) available to the Ministry for Primary Industries would not have raised concerns.
- 20 We cross-referenced the item listed by the Ministry for Primary Industries as a “zip” with New Zealand Customs Service’s list of items that the individual imported into New Zealand (see above 6.4 New Zealand Customs Service). New Zealand Customs Service’s list includes two items that the “zip” could be – a Zippo lighter or a Keller zip hoodie.
- 21 The Ministry for Primary Industries assessed these five items but did not identify any biosecurity concerns. It cleared the items without physical inspection.

6.6 New Zealand Post

- 22 New Zealand Post held information about 29 items tracked and couriered to the individual at his home address in Somerville Street, Dunedin, between 26 August 2017 and 22 January 2019. Some of these items (including firearms and the GoPro) were used by the individual in the terrorist attack.

6.7 New Zealand Transport Agency

- 23 The New Zealand Transport Agency knew the individual's full legal name and date of birth. It held information about the individual's vehicle, including its make, model, colour, licence plate number, country of origin and that it had been earlier imported into New Zealand. It recorded the individual as the vehicle's new owner and that the vehicle had been inspected and granted a Warrant of Fitness on 2 September 2018. It had information on the individual updating his address to Somerville Street on 15 September 2017.
- 24 The New Zealand Transport Agency also held information about two phone calls the individual made on 15 September 2017 and 9 February 2019. The first call was to change his address and the second was to enquire about converting his Australian Driver's Licence to a New Zealand Driver's Licence. New Zealand Transport Agency staff dealt with both of his phone queries.

6.8 Southern District Health Board

Steroid and testosterone use

- 25 The Southern District Health Board held the individual's name, date of birth, sex, address and National Hospital Index number.
- 26 The Southern District Health Board held a copy of a letter (dated 20 December 2017) from Dunedin Hospital's Endocrinology Service, responding to a referral from Dunedin South Medical Centre. The letter from the Endocrinology Service concerned the individual's use of "excessive, unprescribed steroids and testosterone" (see Part 4, chapter 5). It included advice on potential treatment options and offered to meet with the individual if needed.

Firearms injury

- 27 The Southern District Health Board held copies of the individual's clinical notes from the injury he sustained on 13 July 2018 when a round of ammunition exploded while he was cleaning his rifle barrel (see Part 4, chapter 5). These notes included the details of the individual's visit to Dunedin Hospital's Emergency Department, his referral to the inpatient Ophthalmology Service on 13 July 2018 and his follow-up appointments with the Ophthalmology Service on 16 July 2018 and 23 July 2018. In addition, the clinical notes included the individual's phone number, marital status and contact details for his sister Lauren Tarrant.
- 28 The individual's injury was investigated and treated by an Emergency Department Registrar on 13 July 2018. The Registrar gave the individual an Accident Compensation Corporation claim form to fill out, so that the Southern District Health Board could be reimbursed for his treatment costs. The individual's injury was investigated and treated by an Ophthalmology Registrar on 13 July 2018, 16 July 2018 and 23 July 2018. The Ophthalmology Registrar sent a letter advising Dunedin South Medical Centre about the injury and the individual's treatment plan.

6.9 Accident Compensation Corporation

- 29 The Accident Compensation Corporation had the individual's full legal name, date of birth, sex, National Hospital Index number, address and phone number. The Accident Compensation Corporation held a copy of the individual's claim form for the treatment provided by the Southern District Health Board for his firearms injury on 13 July 2018. In the accident details section of the form, the individual wrote that he was doing "rifle maintenance" at the time of the accident and that the injury was caused by an "exploding cartridge". The form also noted that the individual was an "overseas visitor" to New Zealand and that he was not in paid employment.
- 30 The Accident Compensation Corporation wrote to the individual on 16 July 2018, stating that they would cover the cost of his treatment and they would pay his treatment provider directly. The Accident Compensation Corporation subsequently covered the cost of the individual's treatment.

6.10 Ministry of Health

Steroid and testosterone use

- 31 The Ministry of Health held data provided by the Southern District Health Board showing that Dunedin Hospital's Endocrinology Service had written a plan of care for the individual, but it had no details on what the plan of care was for. No actions were taken by the Ministry of Health in response to this information.

Firearms injury

- 32 The Ministry of Health held data provided by the Southern District Health Board about the treatment the individual received for the injury he received on 13 July 2018. The Ministry of Health did not know that firearms caused the injury.
- 33 The Ministry of Health had information:
- a) that the individual had been to Dunedin Hospital's Emergency Department on 13 July 2018;
 - b) that the individual's eye was injured and that the injury was caused by an explosion of "other materials";
 - c) about the details of the tests and prescriptions the individual received; and
 - d) that the individual had been treated by the Dunedin Hospital Ophthalmology Service on 13 July 2018, 16 July 2018 and 23 July 2018.
- 34 No actions were taken by the Ministry of Health in response to this information.

Primary Health Organisation enrolment

- 35 The Ministry of Health knew that the individual enrolled with WellSouth Primary Health Organisation on 12 February 2018 as his Primary Health Organisation. It also knew that Dunedin South Medical Centre was his previous general practice. No actions were taken by the Ministry of Health in response to this information.

6.11 Parliamentary Service

Email regarding the attack

- 36 At just after 1.32 pm on 15 March 2019, the individual sent the following email to 34 recipients:

Date: 15 March 2019, 1.32 pm

From: [The individual]

To: [34 recipients]

Subject: On the attack in New Zealand today

I was the partisan that committed the assault. I have attached my writings to explain my actions and beliefs as well as provided links to webpages to download the documents below.

- 37 The individual's 74 page manifesto was attached to the email and the email also included links to the file sharing websites that had copies of the manifesto. Although the email itself did not specify the targets of the terrorist attack, masjid in "Christchurch and Linwood" and Ashburton were identified as targets on page eight of the manifesto.
- 38 Twenty-eight of the email's recipients were media organisations or individuals working for media organisations. The remainder of the recipients included the Prime Minister's Office and others in the New Zealand Parliament. Only one of the recipients – the Parliamentary Service – is a Public sector agency and so was within our Terms of Reference.
- 39 A person in the Prime Minister's Office called the Parliamentary Service's Security Enablement Team at 1.38 pm to alert them to the email. The Prime Minister's Office forwarded the email to the Security Enablement Team at 1.39 pm. The email sent directly to the Parliamentary Service was separately forwarded to the Security Enablement Team at 1.40 pm.
- 40 The Parliamentary Service's Security Enablement Team called New Zealand Police via 111 at 1.40 pm and forwarded the email to New Zealand Police's National Command and Coordination Centre at 1.41 pm.

Chapter 7: Evaluation of what Public sector agencies did with the information they had about the individual

- 1 In this chapter we evaluate what Public sector agencies did with the information they held about the individual, under the following headings:
 - a) The email to the Parliamentary Service just before the terrorist attack.
 - b) Information held by border agencies about the individual's travel in and out of New Zealand.
 - c) The individual's importation of ballistic ceramic plates and plastic boards, and possible importation of a helmet.
 - d) The individual's use of unprescribed steroids and testosterone, and his firearms injury.
 - e) Other information held by Public sector agencies related to the individual's planning and preparation.

7.1 The email to the Parliamentary Service just before the terrorist attack

- 2 Immediately before the terrorist attack on 15 March 2019 the individual sent an email to several recipients, including the Parliamentary Service. This email is reproduced in chapter 6.
- 3 A draft Standard Operating Procedure, prepared by the Security Enablement Team of the Parliamentary Service in January 2019, outlines the assessment and escalation procedures for responding to threatening calls and emails to the New Zealand Parliament. Once alerted to the individual's email, the Parliamentary Service responded in accordance with this operating procedure by alerting the correct authorities.
- 4 The Parliamentary Service alerted New Zealand Police at 1.40 pm. This was eight minutes after the individual sent the email, and approximately the same time that the individual entered Masjid an-Nur (see Part 1, chapter 1). In that eight minutes, the Parliamentary Service had to:
 - a) notice that the email had arrived;
 - b) open the email and read it;
 - c) conduct an initial assessment to determine whether the email was a genuine threat or was a hoax;
 - d) determine that the email was a legitimate threat and follow the Standard Operating Procedure for response to a security incident;



- e) open the individual's manifesto and scan through its 74 pages to page eight, where the potential targets of the terrorist attack were identified; and
 - f) contact New Zealand Police via 111 and provide the information collected about the threat.
- 5 We consider that the Parliamentary Service acted appropriately in relation to the email within a period of time that was reasonable in the circumstances.

7.2 Information held by border agencies about the individual's travel in and out of New Zealand

- 6 Between them, the border agencies (Immigration New Zealand and New Zealand Customs Service) held:
- a) the individual's passport information (full legal name, date of birth, place of birth, citizenship, etc);
 - b) the dates, times, arrival and destination locations of flights he took in and out of New Zealand from 1999 onwards;
 - c) information indicating that he travelled with gaming friend from New Zealand to Japan and back in 2018;
 - d) information that he otherwise travelled alone on flights in and out of New Zealand from August 2017 onwards;
 - e) his arrival and departure cards for the last two international flights he took in 2018; and
 - f) Advanced Passenger Processing and Passenger Name Record data in relation to the individual about his arrivals into New Zealand from March 2013 onwards and departures from New Zealand from 28 September 2017.
- 7 Not all the information on the individual's arrival and departure cards was accurate. It is not possible to determine whether the errors were intentional or not. When the individual filled out his departure card on 17 October 2018, he said he had not been living in New Zealand for more than 12 months – this was untrue, as he had been living in New Zealand since August 2017. On his arrival card of 28 December 2018, he entered "student" as his occupation (which was not true) and did not include Austria among the list of countries he had visited in the previous 30 days (see Part 4, chapter 4). These errors were not known by Immigration New Zealand.

- 8 The border agencies did not hold information about the individual's full travel history (see Part 8, chapter 8). Both border agencies ran the information they did have about the individual through their automated screening systems, and these processes did not identify any risks or issues about him. No agencies raised a border alert on the individual. The individual was never subject to secondary processing at the border, and all his interactions at the border with the agencies were routine.
- 9 Accordingly, we see no issue with the actions taken by the border agencies in relation to the information they knew about the individual.

7.3 The individual's importation of ballistic ceramic plates and plastic boards, and possible importation of a helmet

- 10 The individual imported two ballistic ceramic plates and two plastic boards on 28 December 2017 and 17 January 2019 respectively. The sender in each case was the same. These items, as identified on the New Zealand Customs Service declaration, were neither prohibited nor restricted goods. There was nothing about the declared origins of the goods or the ways in which they were packaged, described or valued to attract suspicion. The individual had not been flagged as a person of interest. The two items were not randomly selected for inspection by New Zealand Customs Service. In 2019, New Zealand Customs Service dealt with 16.7 million import and export transactions. In this context, it is unsurprising that the ballistic ceramic plates and plastic boards were not physically inspected.
- 11 As a result of inquiries made after 15 March 2019 by New Zealand Customs Service, it appeared likely that the ballistic ceramic plates were suitable for use in body armour and possible that the plastic boards were body armour parts. When we spoke to the individual, he acknowledged that these items were indeed body armour parts. There are legitimate uses for body armour, including for off-road motorcycling, and paintball and airsoft sports. For this reason, body armour is not subject to import restrictions.
- 12 When we spoke to the individual, we asked him about the tactical helmet he wore during the terrorist attack. He said that he had imported it from the supplier of the body armour parts and that it had come into New Zealand labelled as a bicycle helmet. New Zealand Customs Service told us that none of the imports made by the individual were described as a bicycle helmet. He imported products described as bicycle fittings or sports goods on 27 February 2018, 11 March 2018, 13 March 2018 and 27 March 2018. New Zealand Customs Service did not open and inspect any of these imported products, which is unsurprising given their descriptions. Inquiries carried out by New Zealand Customs Service since 15 March 2019 have not been able to confirm whether any of these products were the tactical helmet the individual says he imported. We have examined the helmet. It is of a kind used for airsoft sports and is easily obtained in New Zealand.
- 13 We see no issue with what New Zealand Customs Service did in relation to these items.

7.4 The individual's use of unprescribed steroids and testosterone, and his firearms injury

Use of unprescribed steroids and testosterone

- 14 On 18 December 2017, a doctor from Dunedin South Medical Centre treated the individual for abdominal pain. The doctor referred the individual to the Endocrinology Service of Dunedin Hospital (a Southern District Health Board hospital), advising by letter that the individual had been taking oral steroids and injecting testosterone, and had hallmarks of steroid overuse. On 20 December 2017, the Endocrinology Service responded to the doctor by letter and offered various treatment options for the individual. The Southern District Health Board did not refer this information about the individual to New Zealand Police.
- 15 The individual told us that the doctor had misunderstood what he had said during the consultation. He told us that he had not been taking steroids and testosterone, but rather drugs that had similar performance-enhancing effects that were manufactured in China. New Zealand Police have not been able to establish the source of these drugs (Part 4, chapter 5). Our inquiries indicate that the individual may have acquired steroids or similar drugs online. Based on the information held by New Zealand Customs Service, none of his imports can be identified as the drugs he says he purchased.
- 16 Whether he was taking steroids or testosterone or drugs that had similar effects is not relevant to whether this information should have been reported by the Southern District Health Board. For ease of discussion, we will put to one side the possibility that he was using substances that had similar effects and simply refer to “steroids and testosterone”.
- 17 As we have explained, we see the individual's use of steroids and testosterone as relevant to his preparation for the terrorist attack in terms of assisting him in bulking up and possibly also as imitating the preparation undertaken by the Oslo terrorist.
- 18 The information provided by the individual to his doctor and referred to the Endocrinology Service was “personal information” as defined by the Privacy Act 1993. It was subject to the *Health Information Privacy Code 1994* issued by the Privacy Commissioner.⁵ This Code sets out *Health Information Privacy Rules* that limit the collection, use and disclosure of information held by health agencies⁶ – this includes not only agencies that provide “health or disability services”, but also others that are part of the health sector (such as the Accident Compensation Corporation and the Ministry of Health).⁷

⁵ Privacy Act 1993, section 2.

⁶ Health Information Privacy Code 1994, clause 5.

⁷ Health Information Privacy Code 1994, clause 4(2).

- 19 Under Rule 11 of the *Health Information Privacy Rules*, a health agency can disclose health information if it believes it must do so to prevent a serious threat to public health, public safety or someone's life.⁸ Whether the threat can be considered serious relates to how likely it would be to occur, how severe the consequences would be and when it would occur.⁹ A health agency can also disclose health information under Rule 11 if the information could relate to criminal offending.¹⁰
- 20 Rule 11 of the *Health Information Privacy Rules* reflects the "conditions of strict secrecy and confidentiality" that exist between medical practitioners and their patients.¹¹ This duty of confidentiality is set out in the *Code of Ethics for the Medical Profession* produced by the New Zealand Medical Association.¹² This means that, unless one of the narrow exceptions in Rule 11 applies, a medical practitioner cannot disclose a patient's private information derived from a consultation or examination.
- 21 The possession and use of unprescribed testosterone and anabolic steroids are offences under section 43 of the Medicines Act 1981. Rule 11 of the *Health Information Privacy Rules* permits disclosure to avoid prejudice to the maintenance of the law by public sector agencies. But this rule does not impose a duty on medical practitioners to disclose information to New Zealand Police about all offending they become aware of.
- 22 We have taken advice from Dr Elaine Barrington-Ward, a Senior Medical Officer and Clinical Leader in the Endocrinology and Diabetes Department at Wellington Hospital, an expert in steroid and testosterone use. She told us that, in the absence of concerns about other criminal activity, she would be unlikely to refer the use of steroids and/or testosterone to New Zealand Police.
- 23 Based on that advice, we are satisfied that the information supplied by the individual to the doctor and forwarded to the Endocrinology Service was properly seen as not warranting disclosure to New Zealand Police. Accordingly, we consider that there was no reason for the Southern District Health Board to refer the information they held about the individual to New Zealand Police.

Firearms injury

- 24 The individual's right eye and thigh were injured in a firearm accident on 13 July 2018 (see Part 4, chapter 5). He was treated at the Emergency Department of Dunedin Hospital (a Southern District Health Board hospital). The individual told the Emergency Department Registrar that the injury was caused by a round of ammunition exploding while he was cleaning a rifle barrel. The Southern District Health Board did not refer this incident to New Zealand Police.

⁸ Health Information Privacy Code 1994 clause 5, rule 11(2)(d).

⁹ This definition is for the purposes of corresponding principles provided for in the Privacy Act but we see it as applicable to the Health Information Privacy Principles.

¹⁰ Health Information Privacy Code 1994 clause 5, rule 11(2)(i)(i).

¹¹ Law Commission *Evidence Law: Privilege* (NZLC PP23, 1994) at page 293.

¹² New Zealand Medical Association *Code of Ethics for the New Zealand Medical Profession* (2014) at pages 4 and 6.

- 25 The Southern District Health Board does not have an explicit policy or protocol that outlines what to do in the event of firearms-related injuries. But, as we have explained, health authorities must abide by the *Health Information Privacy Code*.
- 26 The Registrar who treated the individual's firearms injury told us that they considered the accident to have been careless and a little unusual, but also said the individual was unremarkable and had not acted in an agitated manner. Considering the individual's behaviour and the explanation he gave for how the injury was sustained, the Registrar believed the injury was an accident (in other words, was self-inflicted but not a suicide attempt). The Registrar could not recall if they were aware of the referral that had been made to the Endocrinology Service about the individual's steroid and testosterone use. The Registrar told us that, even if they had been aware of the individual's steroid and testosterone use, they would not have seen it as appropriate to disclose the firearms injury to New Zealand Police. This is because the individual did not display outwardly aggressive or unusual behaviour and gave what the Registrar saw as a credible explanation for how the injury occurred.
- 27 The explanation the individual gave to the Registrar, as recorded in the clinical notes, is that the accident occurred while the individual was cleaning the rifle. He gave more detailed explanations to members of the Bruce Rifle Club and discussed what may have been this incident with gaming friend. Although their recollections of his explanations are not precisely the same, there were enough similarities (in terms of where the bullet went and what injury was incurred) to provide a reasonable basis for understanding what happened.
- 28 A round of ammunition was jammed in the partially open breech of the rifle. The bullet was lodged in the barrel but some or all of the cartridge case was exposed. The individual's efforts to free the round caused the primer on the cartridge to come into contact with the firing pin of the rifle. The charge was ignited, which resulted in the bullet being fired through the barrel of the rifle and into the roof and the exposed cartridge case exploding in the breech. Fragments of the cartridge case caused the individual's injury.
- 29 This explanation invites a question as to what the individual was doing at his home with a rifle that had a round jammed in the breech. A possible answer to this question is that he may have been practising at home with his large capacity magazines (something he could not easily do at the Bruce Rifle Club, at least if others were present, because he was not legally allowed to do so). We put this possibility to the individual. He said that he had, indeed, practised at home with large capacity magazines but that they were always empty. He said that he had been trying to resolve a problem associated with what he thought was a burr in the barrel by chambering a round. The round had jammed. His attempts to free the round were based on the erroneous assumption that the rifle had an operational "drop safe" safety feature and resulted in contact between the firing pin and the primer. We consider that the individual's explanation is reasonably plausible, a conclusion that was also reached by the New Zealand Police Armourer, but we do not discount the possibility that he had been practising with full large capacity magazines.

- 30 The individual told us he had been worried about the incident coming to the attention of New Zealand Police but the significance of the injury to his eye meant that he had no practical alternative but to go to the hospital.
- 31 Under the Arms Act 1983 (section 58), there is an obligation on “every person who causes bodily injury to or the death of any person by the use of a firearm” to report the incident in person to New Zealand Police “as soon as reasonably practicable”. It is doubtful whether this applies to a self-inflicted accidental injury.¹³ But, even if it does, the individual was entitled to seek immediate medical treatment before reporting the injury. This means that at the time the Registrar engaged with him, the individual would not have been in breach of the reporting obligation, even if he was subject to it.
- 32 In causing the firearm to discharge, the individual may well have committed offences under the Arms Act, such as discharging a firearm in a dwelling house without reasonable cause so as to endanger property and himself (section 48), and careless use of a firearm causing bodily injury (section 53). It is not clear whether the Registrar was aware that the incident occurred in the individual’s home.
- 33 For reasons very similar to those expressed in relation to the individual’s steroid and testosterone use, we do not consider that the Southern District Health Board was remiss in not reporting the accident to New Zealand Police. As one doctor told New Zealand Police in an interview, “it is not uncommon to treat a person with a minor injury from an accidental discharge” from a firearm. More generally, we consider that, as a clinician treating a patient for an injury, the Registrar was not obliged to turn their mind to the details of the Arms Act. Even if they had done so, we do not consider that the circumstances the Registrar was aware of would have dictated disclosure to New Zealand Police under the current rules.
- 34 Information regarding the incident was referred by the Southern District Health Board to the Accident Compensation Corporation. All the Accident Compensation Corporation knew about the individual’s injury was that he received it from “Rifle maintenance – exploding cartridge *** Leisure/hobby or play *** Impact with a sharp object”.
- 35 The Accident Compensation Corporation does not have a policy requiring notification to New Zealand Police if a claim is received relating to a firearm injury. Its information sharing is governed by the Privacy Act and the *Health Information Privacy Code*. For reasons that substantially overlap those already given in relation to the Southern District Health Board, but that are even more compelling given the limited nature of the information, we are satisfied that there was no reason for the Accident Compensation Corporation to report the incident to New Zealand Police.

¹³ Academic commentary on the offence suggests that it does not “require the reporting of the accidental shooting of oneself”. See *Adams on Criminal Law – Offences and Defences* (online ed, Thomson Reuters) at AA58.01.

36 Although we see no fault in the way in which this information was dealt with by the Southern District Health Board and the Accident Compensation Corporation, consideration should be given to requiring automatic reporting of firearms injuries. Such an injury may say something about the fitness of a person to hold a firearms licence and this is particularly so if there is a history of similar incidents. In the absence of a reporting requirement or practice, such information will often not come to the attention of New Zealand Police, who remain responsible for administering firearms licensing.

7.5 Other information held by Public sector agencies related to the individual's planning and preparation

37 The only other information held by Public sector agencies that was clearly relevant to the individual's planning and preparation for the terrorist attack was:

- a) the documentation relevant to his application for a firearms licence held by New Zealand Police;
- b) mail order forms held by New Zealand Police that confirmed his status as a licence holder and thus authorised online purchases of firearms and ammunition; and
- c) courier records relating to deliveries held by New Zealand Post.

38 *Part 5: The firearms licence* sets out our review of the process that resulted in the individual's application for a firearms licence being granted and our findings about New Zealand Police's actions in response to his firearms licence application. We see no issue with New Zealand Police's actions in response to the mail order forms for firearms and ammunition. As the individual's firearms licence had already been granted, he was legally entitled to purchase firearms and ammunition.

39 We see no issue with New Zealand Post's actions in delivering the individual's couriered items.

40 None of the other information held by Public sector agencies about the individual was material to his preparation for, and planning of, the terrorist attack.

7.6 Concluding comments

41 The email to the Parliamentary Service was received too late to enable disruption of the terrorist attack. None of the other information held by Public sector agencies could or should have alerted them to the terrorist attack.

Chapter 8: Findings

1 Our Terms of Reference required us to make findings on:

4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and

(b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies.

2 “The terrorist attack” means the terrorist attack carried out by the individual in accordance with his planning and preparation over the previous years. We do not see general indications of the risk of terrorism from the extreme right-wing as relevant to this question. Such indications are relevant to other issues on which we must make findings and are addressed later in the report (see *Part 8: Assessing the counter-terrorism effort*).

3 We have concluded that the only information about the individual that was known by New Zealand Public sector agencies before 15 March 2019 that could or should have alerted them to the terrorist attack was the email sent to the Parliamentary Service. The effect of this is that there were no interactions amongst the relevant Public sector agencies before 15 March 2019 that were relevant to the terrorist attack.

4 We find that:

a) the Parliamentary Service acted appropriately within a period of time that was reasonable in the circumstances in response to the email sent just before the terrorist attack;

b) there was no other information provided or otherwise available to any relevant Public sector agency that could or should have alerted them to the terrorist attack; and

c) there was no failure in information sharing between the relevant Public sector agencies.

Chapter 9: Questions asked by the community

Why was the individual not checked more thoroughly when he entered New Zealand?

Australian citizens and residents such as the individual are routinely screened by Immigration New Zealand through an automated system when they check in for a flight to New Zealand. They are generally not manually screened at the border, as they are eligible for a resident visa upon arrival in New Zealand. The exception to this is if there is something about a person's profile that is suspicious from an immigration perspective, for example, their passport is suspected as being fraudulent.

No Public sector agency raised a border alert against the individual and he was not subject to additional processing by Immigration New Zealand at the border. He was therefore granted a resident visa and entry permission (or the equivalent under the Immigration Act 1987) every time he arrived in New Zealand.

New Zealand Customs Service ran automated targeting rules across the data they held about the individual every time he flew into New Zealand from 28 March 2013 onwards and out of New Zealand from 28 September 2017 onwards. This did not identify any risks or issues. The individual was not subject to additional processing at the border.

See Part 8, chapter 8 for more information about the role of border agencies (Immigration New Zealand and New Zealand Customs Service) in New Zealand's counter-terrorism effort.

Did New Zealand agencies know all the countries the individual travelled to? If not, why not?

The details of the individual's travel that were available to the border agencies (Immigration New Zealand and New Zealand Customs Service) did not provide them with full information about his travel history each time he came into New Zealand. Technical and data sharing difficulties mean that Immigration New Zealand generally does not hold a person's full travel history (see Part 8, chapter 8).

Why didn't the individual's donations to extreme right-wing organisations raise alerts in the anti-money laundering system?

New Zealand Public sector agencies did not hold any information about the individual's donations to extreme right-wing organisations before 15 March 2019. This is because they did not receive any alerts of suspicious activity about the donations.

As the donations were made from the individual's Australian bank accounts, New Zealand reporting entities (as defined in the Anti-Money Laundering and Countering Financing of Terrorism Act 2009) did not know about them.

Even if they had known about the individual's donations, a reporting entity, such as a bank, would need to have reasonable grounds to suspect that the donations may be relevant to detecting an offence before they could report this information. Donations to a political organisation (including an extreme right-wing organisation) would not, in and of themselves, reach the reporting threshold under the legislation.

Have New Zealand Police ever received complaints about, or investigated the Bruce Rifle Club or any of its members?

New Zealand Police did not receive any complaints about the Bruce Rifle Club before 15 March 2019. This is discussed in chapter 5 of this Part.

Why did the Royal Commission ask 217 Public sector agencies whether they held information about the individual before 15 March 2019?

Our Terms of Reference defined relevant Public sector agencies as “New Zealand Security Intelligence Service, Government Communications Security Bureau, New Zealand Police, New Zealand Customs Service, Immigration New Zealand, and any other agency whose functions or conduct, in the inquiry’s view, needs to be considered in order to fulfil the inquiry’s Terms of Reference”.

We asked all 217 Public sector agencies, not just the five agencies named in our Terms of Reference, whether they held any information about the individual. We did this to ensure that we had a complete picture of what was known by all Public sector agencies about the individual and his activities before the terrorist attack.

Glossary

Term	Definition
Barry Harry Tarry	Social media username used by the individual. It is a variation that corresponds to the individual's initials.
Dā'ish	The Arabic acronym for the Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS). An Islamist extremist terrorist organisation.
Digital Subscriber Line (DSL)	An internet connection that transmits digital data using telephone lines.
endocrinology	A branch of medicine that deals with the diagnosis and treatment of hormone problems, such as diabetes. An endocrinologist is a doctor who specialises in the diagnosis and treatment of hormone problems.
Five Eyes	The intelligence sharing partnership between Australia, Canada, New Zealand, the United Kingdom and the United States of America.
hostile reconnaissance	Gathering information about the security levels and layout of a building and/or the usual activities of people in the building. An activity sometimes carried out by a person planning a terrorist attack.
intelligence and security agencies	The Government Communications Security Bureau and the New Zealand Security Intelligence Service. This is a statutory term under the Intelligence and Security Act 2017.
Internet Protocol address (IP address)	A unique number linked to each device connected to a computer network that uses the Internet Protocol for communication.
masajid	An Arabic term for more than two masjid.
masjid	An Arabic term for a mosque, the Muslim place of worship. In Arabic, masjid literally translates to "place of prostration (in prayer)".
Masjid an-Nur	An Arabic term for the an-Nur Mosque.
meme	An image, video or piece of text, typically humorous in nature that is spread via the internet, often through social media.

Term	Definition
New Zealand Intelligence Community	The Government Communications Security Bureau, the New Zealand Security Intelligence Service and the National Security Group of the Department of the Prime Minister and Cabinet (including the National Assessments Bureau).
nexus	A connection.
ophthalmology	A branch of medicine that deals with the diagnosis and treatment of eye diseases and vision problems, such as cataracts. An ophthalmologist is a doctor who specialises in the diagnosis and treatment (including surgery) of eye diseases and vision problems.
Public sector agency	In general, an organisation that works for the government of New Zealand. In this report, “Public sector agencies” means the 217 organisations listed in the appendix.
Oslo terrorist	An individual born and raised in Oslo, Norway who committed a terrorist attack in Oslo and on Utøya Island, Norway on 22 July 2011.
Registrar	A doctor working in a hospital who is training in a specialised field of medicine.
Secure Digital card (SD card)	A digital storage card used in portable electronic devices.
Tor browser	Software that allows users to surf the web anonymously by concealing the user’s location as well as what they are looking at online. It can also be used to access the dark web.
Virtual Private Network (VPN)	Software that allows the user to create a secure connection to another server over the internet. Once connected, the user can browse the internet using that server. In doing so, the user is provided with an Internet Protocol (IP) address associated with the different server, which hides the user’s location.

Detecting a potential terrorist

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Chapter 1: Introduction

- 1 The detection of potential terrorists is difficult. A state that upholds the civil and political freedoms of a democratic society cannot know the intentions of all individuals who engage with extremist ideologies, including those leaning towards violent action. So, with limited resources, counter-terrorism agencies have to make tough choices about where to focus their intelligence efforts. Professor Michael Clarke, the former Director-General of the United Kingdom's Royal United Services Institute, put it this way:

One will be astonished at how little agencies can do, because it takes so much human energy to go down one track. The idea that the state somehow has a huge control centre where it is watching what we do is a complete fantasy. The state and [the Government Communications Headquarters, the United Kingdom's signals intelligence agency] have astonishingly good capabilities, but it is as if they can shine a rather narrow beam into many areas of cyberspace and absorb what is revealed in that little narrow beam. If they shine it there, they cannot shine it elsewhere.¹

- 2 Although such detection is difficult, it can be, and often is, achieved and has resulted in the disruption of many intended terrorist attacks around the world.
- 3 For the reasons we have given in *Part 6: What Public sector agencies knew about the terrorist*, we are satisfied that, leaving aside the email to the Parliamentary Service, there was no information available to the relevant Public sector agencies that could or should have alerted them to the terrorist attack. In *Part 8: Assessing the counter-terrorism effort* we consider, amongst other issues, why information about the individual's planning and preparation did not come to the attention of the counter-terrorism agencies. In this Part, we provide an introduction to that evaluation. Some knowledge of the content discussed in *Part 4: The terrorist* and *Part 6: What Public sector agencies knew about the terrorist* is necessary to make sense of this Part. Readers may wish to familiarise themselves with those Parts first.

¹ Draft Investigatory Powers Bill HC 651 (2 December 2015) (joint committee report) <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/draft-investigatory-powers-bill-committee/draft-investigatory-powers-bill/oral/25685.html>.



Chapter 2: The three ways the individual may have been detected

- 1 The terrorist attack on 15 March 2019 was the result of careful planning and extensive preparation by the individual, carried out over a period of approximately 18 months. As a financially independent white male in his late 20s who was able to engage with others in unthreatening ways, the individual was not likely to be viewed with suspicion. And, as an Australian, he was able to fit into New Zealand reasonably well and did not draw much attention to himself. He was a lone actor who did not need to engage with others to prepare for his terrorist attack. He had no close associates to whom he was likely to talk about his plans. And, although there were occasional lapses, he generally attempted to maintain operational security.
- 2 Against this background and based on the information available to us, there are three ways in which the individual may have come to the attention of relevant Public sector agencies:
 - a) The Barry Harry Tarry comments on the private The Lads Society Season Two Facebook page (see *Part 4: The terrorist*) and possibly other comments of which we are not aware may have been identified through tip-offs or other mechanisms and linked to the individual.
 - b) A tip-off from a member of the public about the individual's conduct (the likelihood of which would have been enhanced if New Zealand had adopted a public-facing "see something, say something" policy) may have resulted in inquiry by the counter-terrorism agencies.
 - c) A more extensive system of data aggregation, analysis and reporting might have captured pieces of information which, taken together, may have been sufficient to trigger an investigation (if only into whether the individual was a fit and proper person to hold a firearms licence).

We briefly discuss each of these in turn.

2.1 The Barry Harry Tarry comments

- 3 The Barry Harry Tarry comments were made on the private The Lads Society Season Two Facebook page. Although these comments did not come to the attention of New Zealand counter-terrorism agencies, there are a number of ways they could have (for example, a tip-off from a member of the public). This being so, we have given some thought to what would have resulted if the counter-terrorism agencies had become aware of them.



- 4 The views expressed on the Facebook page by members were generally right-wing and many were Islamophobic in character. Some of the comments were premised on the view that Muslim communities pose an existential threat to Western societies, which perhaps can only be successfully resisted by violence. Views of this sort are commonly expressed on the internet, often anonymously (see Part 2, chapter 5). Although willing to engage in dehumanising and divisive rhetoric against “others”, those expressing such views are usually careful to avoid direct endorsement of violence. Such talk is harmful to an inclusive society whether the discussion is ironic, grandstanding or reflects an intent to commit a violent act. But there are legal, logistical and technical obstacles to counter-terrorism agencies conducting operations on far right internet sites on the scale necessary to pick up such comments and identify the people who make them. There are further practical difficulties in distinguishing between those who are just talkers and the potential doers (that is, those likely to mobilise to violence).
- 5 On the basis of the internet material we have seen, the individual’s comments were a lapse from his attempts to maintain operational security.
- 6 The comments in relation to the Islamic school provided or implied a number of identifiers – membership of a particular gym in Dunedin, involvement with an Australian group suggesting a possible Australian connection and a username (Barry Harry Tarry) that bore some resemblance to the individual’s name. One of the gym members knew the individual as “Barry” and for a time was his Facebook friend. It follows that inquiries at the gym – not requiring any form of warrant – would, in all probability, have linked the individual to the comments.
- 7 The comments also gave indications of his thinking. Even without the benefit of hindsight, there is a chilling quality to his final remarks.
- 8 We spoke to counter-terrorism professionals as to whether the comments, if they had come to official attention, would have warranted inquiry at the gym. Given what is often said in internet discussions, the comments were described to us as not being remarkable. Our assessment of the likelihood of such inquiry identifying Barry Harry Tarry is hindsight-based (that is, based on what we now know). The likely success of such inquiry would not have been so apparent at that time. Concerns were expressed as to whether such inquiry would have been appropriate (or proportionate) given the privacy implications of disclosing private Facebook comments to those who would have been spoken to at the gym. A decision whether to make further inquiry may have been influenced by the extent to which other comments made by the individual on the Facebook page also came to the attention of the counter-terrorism agencies. This issue being hypothetical – as the comments did not come to official attention – there is no need for us to express a conclusion on it. We touch on this point again in *Part 8: Assessing the counter-terrorism effort*.



- 9 If the individual had been identified as the author of the Facebook comments, a check of the New Zealand Police National Intelligence Application would have revealed that he held a firearms licence. The combination of possible intent (as indicated by the comments) and capability (as revealed by his firearms licence) may have justified further investigation, perhaps initially as to his suitability to hold a firearms licence. Whether such investigation would have resulted in the disruption of the terrorist attack is necessarily speculative. It is, however, distinctly possible that this might have happened.

2.2 A tip-off from a member of the public

- 10 The individual's shooting style at the Bruce Rifle Club was sufficiently unusual to be noted by some of the members. As well, there were other aspects of the individual's conduct at the club that came to the attention of some members and may have led to a tip-off, including the injury he suffered and comments he had made in relation to large capacity magazines.
- 11 A tip-off in relation to the drone-flying incident was also possible. A member of the public who had seen the drone flying over Masjid an-Nur on 8 January 2019 took a note of it. When interviewed by a police officer on 22 May 2019 they were able to identify the correct date of the incident and give a time for it that was within minutes of when it happened. That witness saw only the drone and not the person who was flying it and thus had no opportunity to identify the individual as the drone operator or take the details of the number plate of his car. The witness did not report the incident at the time.
- 12 The flight path of the drone shows that the individual had operated it from Hagley Park. He told us that he had parked his car beside Hagley Park and used a remote control to fly the drone while he stood in the park. It was a summer evening and there must have been many people walking in Hagley Park in the vicinity of the individual. Some may have observed what he was doing. A member of the public who was concerned by this might have reported the incident to the counter-terrorism agencies. If accompanied by the details of the number plate of his car or perhaps a photograph of the individual, such a report would have been actionable.
- 13 As many Muslim individuals have observed to us, an identifiably Muslim person who acted in the same way as the individual would likely be reported to the counter-terrorism agencies. This is because of the general level of scrutiny Muslim communities are subjected to by society and the counter-terrorism agencies, and the associated widespread tendency to see Muslim individuals as potential terrorists.²

² See Diala Hawi, Danny Osborne, Joseph A Bulbulia and Chis G Sibley "Terrorism Anxiety and Attitudes toward Muslims" (2019) 48 *New Zealand Journal of Psychology* at page 86.



- 14 “See something, say something” policies identify for the public behaviours that have been known to be associated with preparation for terrorist acts and encourage the public to report such behaviours to counter-terrorism agencies. Such policies have been adopted in a number of countries. The United Kingdom has an Action Counters Terrorism (ACT) campaign, which encourages the public to report suspicious behaviour to the police. The campaign features a series of information films, helping the public to understand how to report, what happens when they report and what signs to look out for. In 2018, the campaign achieved 3.8 million views of its counter-terrorism awareness film and reached over 11.26 million people through police social media channels. Within the first week of the campaign, the average number of online public reports doubled.
- 15 Since 2015, the federal government of the United States of America has produced an annual, publicly available booklet titled *Homegrown violent extremist mobilization indicators*. It describes various observable behaviours (indicators) that “could help to determine whether individuals or groups are preparing to engage in violent extremist activities”.³ Indicators are grouped in terms of the extent to which the behaviour demonstrates an individual’s likelihood of engaging in terrorist activity.
- 16 Families and civil society can play an important role in relation to these types of policies and guidelines. That is because those closest to someone – partners, brothers, sisters, mothers, fathers, friends, teachers, doctors – may be the first to notice changes in behaviour that are indicative of radicalisation. Without the guidance a “see something, say something” policy provides, the significance of such changes may not be apparent to those who observe them.⁴ And even if it is apparent, people may not know where to turn for help, or may be reluctant to do so. Many people will understandably hesitate to report a family member to counter-terrorism agencies. So in some countries there are services independent of government that help people who know someone who may be heading towards violent extremism. One example is the Step Together organisation in New South Wales, Australia. It is an early intervention service that provides advice, information and referrals to services that can help before anything dangerous happens. Only in the event of a serious or imminent risk is the organisation obliged to report the situation to authorities.⁵

³ The Department of Homeland Security, the Federal Bureau of Investigation and the National Counterterrorism Center *Homegrown Violent Extremist Mobilization Indicators*: 2019 edition (2019) at page 2.

⁴ Michele Grossman “The role of families and civil society in detecting radicalisation and promoting disengagement from violent extremism” in C Echle, R Gunaratna, P RUIEPPPEL and M Sarmah (eds) *Combating violent extremism and terrorism in Asia and Europe: From cooperation to collaboration* (Singapore, Konrad-Adenauer-Stiftung Ltd, 2018) at pages 158-162.

⁵ Step Together website *About Step Together* <https://steptogogether.com.au/about-our-helpline-avoid-violent-extremism/>.



- 17 A public-facing, threat-agnostic “see something, say something” policy would have enhanced the likelihood of the individual’s conduct being reported, particularly if such a policy had identified behaviours consistent with terrorist training (for instance, unusual shooting styles). It is, of course, possible that had there been such a policy, the individual may have tailored his behaviour accordingly so as not to arouse suspicion, though this would have limited his ability to develop relevant firearms-handling experience. Or it might have made the individual less likely to see New Zealand as a suitable location for his terrorist attack. We will revert later in this report to the utility of a public-facing “see something, say something” policy. At this point we note that care would be required in identifying behaviours of the kind that warrant reporting. Even if expressed in threat-agnostic terms, a New Zealand “see something, say something” policy would, at least before 15 March 2019, probably have had the practical effect of increasing public suspicion of Muslim individuals and communities.

2.3 A more extensive system of data aggregation, analysis and reporting

- 18 Some Public sector agencies had discrete pieces of information about the individual that related to his preparation. These were the importation of ballistic ceramic plates and plastic boards, steroid and testosterone use and the firearms injury. The individual pieces of information, if viewed in isolation, were of limited significance, at least in terms of likely terrorist activity. But the information illustrates the sort of data which, if aggregated with other information available (most particularly that the individual held a firearms licence), may have been seen as warranting inquiry. And the more information that could be brought into such an aggregation exercise (for instance a registry of firearms and ammunition purchases) the more effective it would be. It is worth pointing out that some large-scale data aggregation currently takes place between Public sector agencies, for example between some Public sector agencies to allow people to be detained at the border for unpaid fines or significant and outstanding student loan debts.
- 19 Many New Zealanders accept (at least implicitly) that their data is collected and analysed by private companies such as Facebook and Google. But large-scale data aggregation by the state is seen as a different matter altogether. The key feature of bulk data collection is that a large proportion of the data gathered relates to people who are not intelligence targets and is of no intelligence value. In other countries, where counter-terrorism agencies have access to bulk data, selectors are applied to the data to filter out what is irrelevant for national security purposes before human eyes review what is produced. Whether the New Zealand public would be prepared to accept data aggregation and analysis on the scale and basis just suggested is uncertain.



- 20 Public opinion changes over time. Informed public debate would allow Public sector agencies to share their work, capabilities and approach with New Zealand communities. It would also facilitate a discussion on the safeguards and oversight that would be required to strike the right balance between privacy and public safety. Such discussion would allow Public sector agencies to gauge their social licence to operate and build trust in their work, role and responsibilities over time.
- 21 More limited and less controversial changes associated with data reporting may be an easier place to start. A report to New Zealand Police that the individual had injured himself in the accidental discharge of a firearm in his flat (which had a common wall with his neighbours) would not have triggered suspicions of terrorism. But it might have raised an issue as to whether the individual was a fit and proper person to have a firearm. In the ordinary course of events, this would have been investigated by New Zealand Police. Where such an investigation would have led is, of course, unclear. Similar considerations might apply to his steroid and testosterone use, but in relation to this, privacy considerations might be thought to be the overriding consideration. To be more specific, it would be difficult to justify requiring a health professional to report a patient to New Zealand Police about steroid and testosterone use against the off-chance that the patient has a firearms licence.

Chapter 3: Looking forward

- 1 We have examined the ways the individual might have been detected by Public sector agencies. Although he was not detected, this does not mean that all lone actors cannot be detected. An effective counter-terrorism effort can enhance the likelihood of terrorist attacks being prevented in the future.⁶ With this in mind, in the next Part of our report we examine relevant aspects of New Zealand's counter-terrorism effort – from political leadership to operations. This includes analysis of the shifting terrorism threat environment (both international and domestic) and how the relevant Public sector agencies have understood and responded to that environment.

⁶ One study found that 80 percent of disrupted terrorist attacks in the United States of America between 1999 and 2009 were initially discovered by local or State law enforcement or the general public. See K Strom et al *Building on clues: examining successes and failures in detecting US terrorist plots, 1999-2009* (Institute for Homeland Security Solutions, Durham, North Carolina, 2010).

Glossary

Term	Definition
counter-terrorism agencies	New Zealand Police and the New Zealand Security Intelligence Service.
data aggregation	Combining data from various sources and presenting it in a summarised format.
operational security	Awareness and minimisation of behaviours that might attract attention from Public sector agencies.

