



The Federation of  
Islamic Associations  
of New Zealand (Inc.)  
اتحاد الجمعيات الإسلامية النيوزيلندية

SINCE 1979

## REPORT TO GOVERNMENT ON 15 MARCH TERROR TRAGEDY PART B

### SOCIAL EQUITY: THE THIRD STEP

### FOCUS ON THE VICTIMS OF THE 15 MARCH TERROR TRAGEDY

EMERGENCY POLICE EMERGENCY POLICE



[WWW.FIANZ.COM](http://WWW.FIANZ.COM)

This **Social Equity: The Third Step** has taken over 28 months to research and peer review. The sources of information include:

- Individual Victims of 15 March
- Representative organisations of the 15 March victims
- 15 March Whānau Trust
- Sakinah Community Trust
- Official Information Act ( OIA) releases
- Law Commission Report 2010
- Accident Compensation Commission (ACC) Reports
- Ministry of Social Development (MSD) Reports
- Ministry of Justice ( MOJ) Reports
- Human Rights Commission Reports
- The Treasury Reports
- The Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019
- Hansard Reports – NZ Parliament
- Media Reports
- Referenced Aotearoa New Zealand and overseas research

# SUMMARY

The following evidence-based submission focuses on the social equity issue with respect to the survivors of the 15 March tragedy. It addresses the need for the government to respond to their needs in a tangible manner. This follows on from the apology by the State for the systemic failures of the NZSIS and the NZ Police. It highlights that whilst over \$1 billion has been spent on improving NZ's gun safety, national security and social cohesion, the widows have received a negligible amount from the State for the loss of their loved ones. The amount they have received is less than the price of a third-hand used car. More has been spent on consultants in 7 months than all the victims combined over 18 months. The evidence is also presented by way of comparison of compensation with other man-made tragedies in Aotearoa NZ. The plea is made to address the intergenerational inequities and the poverty trap that many of the survivors are facing.

The report highlights that the ACC is not fit-for-purpose for terrorism victims. The one-size-fits-all approach is creating extreme financial stress for the victims, as borne out by independent study by Otago University. In the final instance, the various options which are available to the government are outlined with a plea for the political will to take the third step.





# CONTENTS

ACKNOWLEDGEMENT	02
1.00 A REMINDER: THE FAILURE OF THE STATE	04
2.00 THE THIRD STEP: A MATTER OF SOCIAL EQUITY	05
3.00 COMPARISON OF PAYMENTS RECEIVED BY VICTIMS OF PREVIOUS TRAGEDIES	09
4.00 POST-15 MARCH BUDGET ALLOCATION	12
5.00 PERSPECTIVE ON COMPENSATION – IS IT FAIR?	14
6.00 VICTIMS’ PERSPECTIVE- RECOVER, REGAIN AND RESUME THEIR LIVES	18
7.00 NEEDS ANALYSIS	22
8.00 PSYCHOSOCIAL CONSEQUENCES OF TERRORISM	30
9.00 FINANCIAL STRESS EXACERBATING MENTAL WELLBEING	33
10.00 ACC NOT-FIT-FOR-PURPOSE FOR TERRORISM	36
11.00 EX GRATIA PAYMENT OPTION	46
12.00 SUPPORT FOR BUSINESS	47
13.00 LUMP SUM COMPENSATION: HOW MUCH AND FROM WHERE?	48

2024

**Report by:**

Abdur Razzaq

Chairperson of FIANZ Royal Commission and Follow-Up

info@FIANZ.com; FIANZ.Advocacy@gmail.com



# ACKNOWLEDGEMENT

‘Shukur’ or gratitude is a key tikanga in Islam.

FIANZ, the national umbrella Muslim organisation is most grateful for the sincere outpouring of aroha by all New Zealanders which marked a pivotal period of peace and unity in Aotearoa New Zealand’s history. **Dame Jacinda Ardern’s** all-enveloping caring leadership set the compassionate benchmark for crisis-response. What followed was also a master-class of community engagement sessions led by **Hon. Andrew Little** over 4 years and ably supported by **Hon Priyanca Radhakrishnan. Rt Hon Chris Hipkins** continued the overall guidance during his tenure as the Prime Minister.

From mid-2022, **Rt Hon Chris Luxon**, along with his leadership team including **Hon. Nicola Willis, Hon Chris Bishop , Hon Paul Goldsmith** and **Hon Melissa Lee**, kept abreast of many of the developments related to multi-ethnic<sup>1</sup> Muslim community and the Royal Commission recommendations. Our profound gratitude for not only the time they spent to listen to various communities, including ours, but also their proactive suggestions on the way forward. We note some of these suggestions are now part of the National government’s policies.

Similarly, FIANZ has engaged with MPs from the other parliamentary parties including the Green Party, ACT Party and Te Pāti Māori on the Royal Commission recommendations. Prior to the elections we also met with NZ First candidate. It is most apparent that despite the passage of time, the memories of the fateful day of 15 March is still vivid for our respected and caring politicians. We would like to acknowledge their ongoing concern for vulnerable communities, like ours.

With respect to the implementation of the 44 Recommendations of the Royal Commission - the DPMC, NZSIS, GCSB, Police, MSD, DIA, MOEC, Justice , MBIE, PSC, Education, ACC and the Treasury, the FIANZ Report Card on progress<sup>2</sup> noted that our planning and implementation have proceeded in a much shorter timeframe compared to other countries who also encountered similar tragedies.<sup>3</sup> This has been mainly due the resolute commitment of the Chief Executives and the senior leadership of the above key agencies as well as the purposeful planning and diligent implementation by the team of dedicated civil servants implementing the 44 Recommendations.

<sup>1</sup> Over 68 different ethnicities

<sup>2</sup> <https://fianz.com/wp-content/uploads/2023/08/FIANZ-Report-Card-on-Progress-of-Royal-Commission-Recommendations.pdf>

<sup>2.2</sup> USA, UK and Canada - <https://fianz.com/wp-content/uploads/2023/08/FIANZ-Report-Card-on-Progress-of-Royal-Commission-Recommendations.pdf>



# KEEPING IN TOUCH



Almost a year before the elections, Hon Nicola Willis and Hon Chris Bishop ( National) spent an afternoon at FIANZ Office to discuss the findings and recommendations of the Royal Commission .

4 Nov, 2022.



Hon. Melissa Lee (National) at FIANZ briefing on the Royal Commission and an update on our community.

26 Oct,2022



Hon. Andrew Little ( Labour) at FIANZ Umah Day , Wellington

April 2022



ACT Party Leader, Hon David Seymour (ACT) with FIANZ officials discussing Royal Commission Recommendations

6 April 2022

Throughout 2022 and 2023 politicians from all parties kept abreast on matters relating to the 15 March survivors as well as the implementation of the Royal Commission Recommendations.  
We thank them for their concerns about the wellbeing and welfare of our community.



Hon. Nicole McKee (ACT) at FIANZ office for a briefing session on the Royal Commission

26 Oct, 2022



Andy Foster M.P. ( NZ First) at Muslim Centre

Oct, 2023



National Party Leader, Rt Hon Chris Luxon ( National) discussing Royal Commission issues with FIANZ officials

1 June 2022



Rt Hon Chris Luxon (National), at his Parliamentary Office with FIANZ Youth Leader

June 2022



David Bennet M.P (National) With FIANZ officials at Parliament discussing the Royal Commission

July 2022



Dame Jacinda Ardern with FIANZ official.



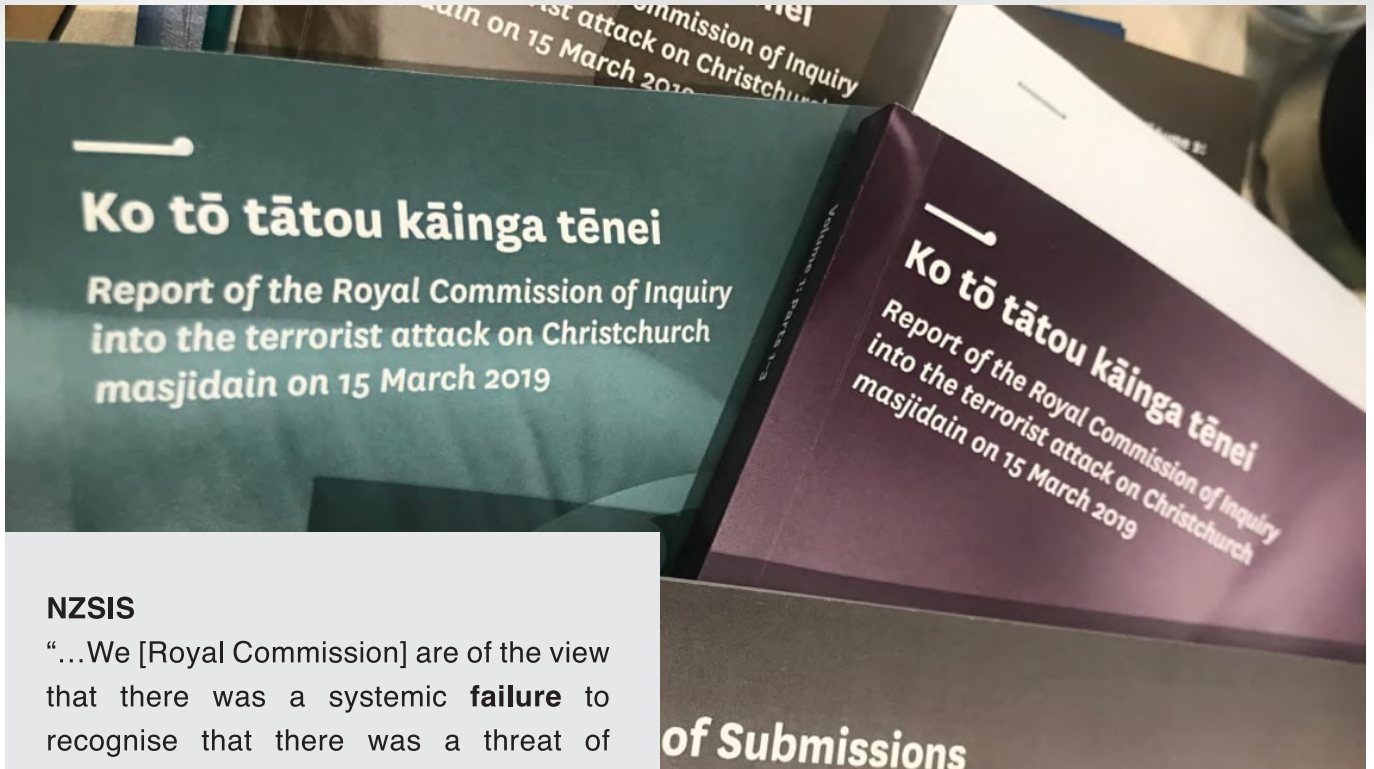
Hon. Priyanca Radhakrishnan (Labour), meeting with FIANZ officials on Royal Commission Recommendations

2 June, 2022



# 1.00 A REMINDER: THE FAILURE OF THE STATE

## 1.1 From the Royal Commission



### NZSIS

“...We [Royal Commission] are of the view that there was a systemic **failure** to recognise that there was a threat of extreme right-wing domestic terrorism that was not understood.”

[Para 64, Chapter 15, Part 8, Royal Commission Report]

### NZ Police

“We [Royal Commission] find that New Zealand Police **failed** to meet required standards in the administration of the firearms licensing system”

[Para 3, Chapter 7, Part5, Royal Commission Report]



The Prime Minister was absolutely correct in noting the failings:

“While the commission made no findings that these issues would have stopped the attack, **these were failings none the less**, and for that, on behalf of the Government, I apologise,”

Prime Minister, Jacinda Ardern,  
8 Dec 2020





## 2.00 THE THIRD STEP: A MATTER OF SOCIAL EQUITY

### 2.1 The Three Steps

Each of the affected whānau, survivors and witnesses (victims) of the terrorist massacre at the two masjids in Christchurch have their own tragic narrative and on-going personal trauma. Their lives have been profoundly impacted and they will never live a 'normal' life.

The victims were peaceful worshippers who had relied on the umbrella of the State to keep them safe. The State failed them for which there was an apology from the Government. The apology marked a profound **first step** in the healing journey for the nation. The implementation of the 44 Royal Commission of Inquiry (RCOI) recommendations marks the **second step** of the journey.

Addressing the issue of social equity is the **third step** of the healing journey and this is the focus of this report. Our appeal is based on the demonstrable suffering of the victims. Our approach to equity relies on evidenced-based and reasoned argument. It underscores a rationale that there was systemic failure within the State's counter-terrorism effort.

Moreover, striving for social equity is not a matter of blaming anyone. Instead the focus is on accountability that goes beyond a verbal apology. Social equity has to be delivered in a tangible manner so that the victims can resume their lives as best they can. Financial compensation is a pivotal scaffolding in the social equity framework.

Social equity has to be delivered in a tangible manner so that the victims can resume their lives as best they can.

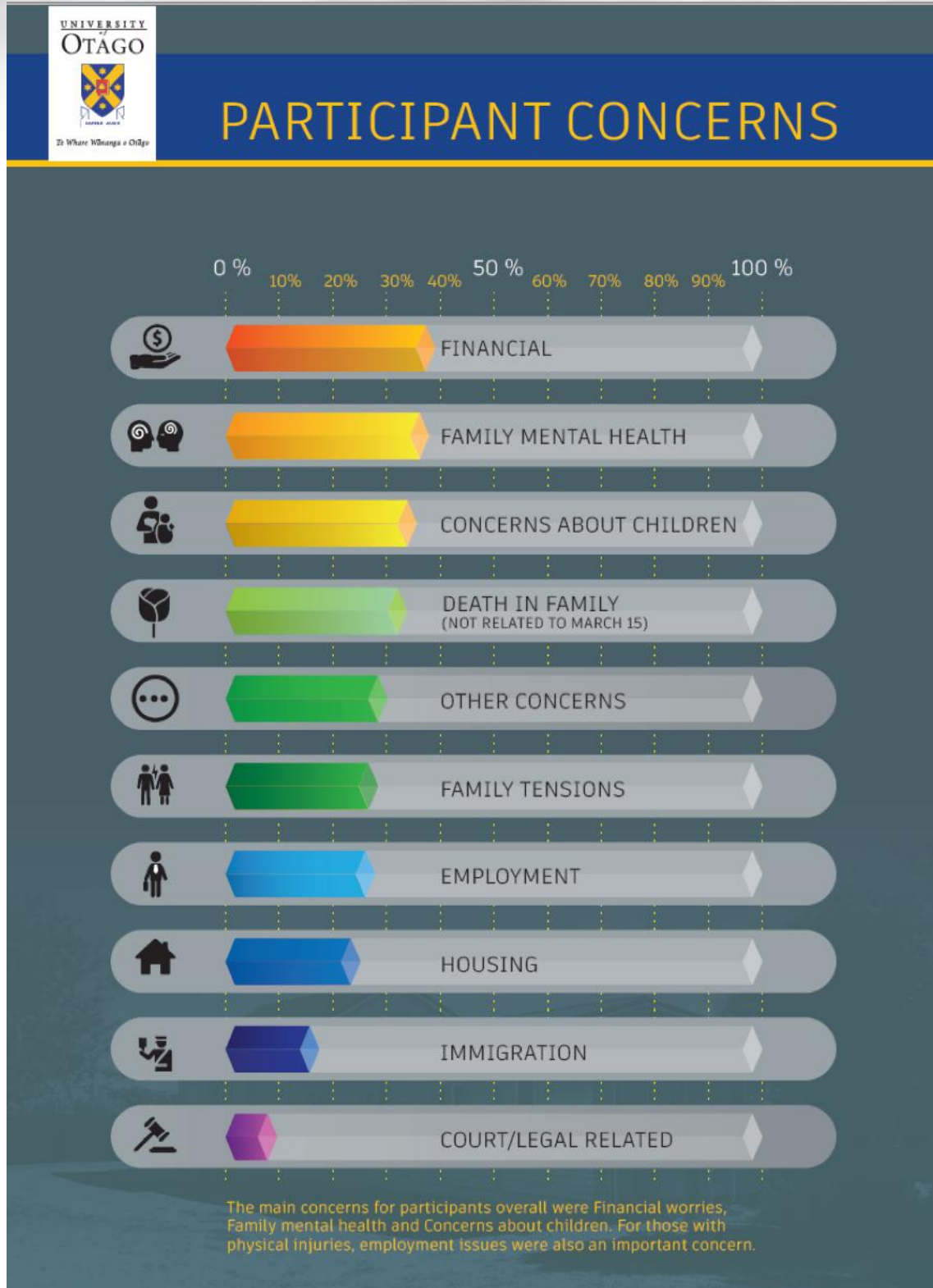
Financial compensation is a pivotal scaffolding in the social equity framework.

Whilst no amount of financial compensation will redress the mental and physical harm, the loss of loved ones and the intergenerational suffering of the victims, the State does have a duty of care to ensure that their mistakes and apologies are translated into practical deliverables to redress the equity stakes for the victims. Appropriate financial compensation is a necessary and logical step in this direction.

It is now incumbent on the State to provide redress beyond verbal apologies.

## 2.2 OTAGO UNIVERSITY STUDY: FINANCIAL STRESS IS THE MOST SIGNIFICANT CONCERN

The only independent study focussing on the impacts and recovery of March 15th victims, by the University of Otago have noted that financial worries are the foremost of all other concerns.



SOURCE: Psychosocial impacts on the Christchurch Muslim community following the 15 March terrorist attacks: a mixed-methods study protocol by Ruqayya C. Sulaiman-Hill, corresponding author Richard Porter, Sandila Tanveer, Joseph Boden, Ben Beaglehole, Philip J Schluter, Shaystah Dean, and Caroline Bell

## 2.3 Perspectives

A compensation narrative for victims of terrorism in Aotearoa New Zealand is problematic. A claim for compensation funding for any aggrieved segment of society inevitably leads to the issue of competing societal interests who have equally pressing needs. Prioritising one over another can lead to accusations of both favouritism and discrimination. However, despite all the above, we have an ethical duty and social responsibility to ensure that the human impact of terror tragedies are not degraded in their significance nor devalued of their equity consequences.

The **Royal Commission Report** was profoundly astute in this respect. Whilst they did not have to raise this matter at all in their Report, since it was not part of their Terms of Reference, they nevertheless raised this consideration of compensation and deliberately left the door open for *“direct discussion between the affected whānau, survivors and witnesses and the government in light of the conclusions reached in this report”*<sup>3</sup>. The antecedents for their thoughtful inclusion may have been as a consequence of their visit to Norway to study the aftermath of the terrorism which claimed 77 lives. They would have noted that the Storting<sup>4</sup> had increased the compensation for victims of violent crimes. The other factor could have been that the Commission met with the Christchurch victims and realized that the issue of compensation was important to them.<sup>5</sup> For reasons of contextual relevancy and possible diversion of the issue, we have deliberately avoided a compensation comparison with other countries. Our belief is that whilst we can always learn valuable lessons from overseas, any solutions need to be Aotearoa New Zealand centered and address our unique circumstances.

This was one of the reasons we considered the principled conclusions arrived at by the **Law Commission Report** (2010) on Compensating Crime Victims. We recognize there are limitations of the social contract “that the State has an obligation to provide full or even partial protection of all potential victims.”<sup>6</sup> We also have a qualified alignment with the Law Commission’s view that a loss-spreading social utility perspective, does not “afford a coherent rationale for special provision for crime victims alone.”<sup>7</sup> We have also accepted their third baseline proposition, that in some circumstances there may be a need for a symbolic value of tangible recognition of victim losses. We have reframed their notion of “social damage”<sup>8</sup> and applied it from a social equity perspective.

The qualification they present is acute, in that compensation “can only be considered case-by-case”<sup>9</sup> with certain proviso. These include the amount of State resources that should appropriately be spent on victims’ compensation initiatives when looked at against other social assistance priorities: how to prioritise victims’ needs for compensation; the possible mechanisms for delivering compensation to victims; and the effectiveness of any measure that may be implemented<sup>10</sup>. Each of these have been examined as part our compensation approach.

<sup>3</sup> <https://christchurchattack.royalcommission.nz/the-report/findings-and-recommendations/chapter-4-recommendations-to-support-the-ongoing-recovery-needs-of-affected-whanau-survivors-and-witnesses/>

<sup>4</sup> Norwegian Parliament

<sup>5</sup> <https://christchurchattack.royalcommission.nz/publications/v2-summary-of-submissions/what-people-told-us-about-the-terrorist-attack-and-its-impact-on-affected-whanau-survivors-and-witnesses/>

<sup>6</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

<sup>7</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

<sup>8</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

<sup>9</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

<sup>10</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

Our narrative also includes the key argument, which was also noted by the Law Commission, that the State may be liable for a failure to take reasonable steps to prevent a crime.<sup>11</sup> In this respect, we rely on the Royal Commission findings on the systemic failures. Their conclusion that no agency could have prevented the terrorism can be only understood in the context of the systemic failures identified by the Royal Commission. Whilst specific attributive failures were noted in some of the agencies, it was the counter-terrorism effort where systemic failures were specified in detail.

## 2.4 The Political Will

There are a range of approaches to the issue of compensation. Our approach has particular alignment with the Law Commission's view that "there may be some room for a separate arrangement for crime victims based on the symbolic value to the community of singling them out for special recognition. ....and can only be considered case-by-case."<sup>12</sup> We posit that the 15 March terrorism was an unique event in modern Aotearoa<sup>13</sup>. It was also no ordinary crime. It had a specific 'terrorism'

legislative label and the first conviction as such. It resulted in a Royal Commission where apologies were forthcoming from the State. The complete redrafting, restructuring and reform of the national security apparatus and its allied machinery of government has been a direct result of this crime. Many agencies made exceptions to their existing legislations and regulations in recognition of this tragedy. All the above and above all, the tragedy of the 51 shuhada makes this compensation rationale compelling as a "special recognition case".

As noted earlier, although the Royal Commission did not need to raise the matter of compensation, it did so emphatically and kept the door open for the victims to "discuss directly" with the government. Apart from the all the above, our report also raises the issue of compensation borne out of need. Our findings also highlight that it is still not too late to prevent intergenerational inequities, particularly given the socio-demographic profile of the victims. We have relied on the view that the government will continue to do right by the victims, as it has done consistently since 15 March. In the end, we recognise that this is a matter of 'political will'.

"There may be some room for a separate arrangement for crime victims based on the symbolic value to the community of singling them out for special recognition. ....and can only be considered case-by-case."

- Law Commission

<sup>11</sup> and cited the case of Couch v Attorney-General [2008] NZSC 48, the Supreme Court left open the possibility that the Department of Corrections could be liable for a failure to provide adequate supervision of a parolee who committed murder and other serious violent offences

<sup>12</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

<sup>13</sup> There have been many previous colonial terrorism

<sup>14</sup> Combination of both RCOI budget and Firearms buy-back scheme

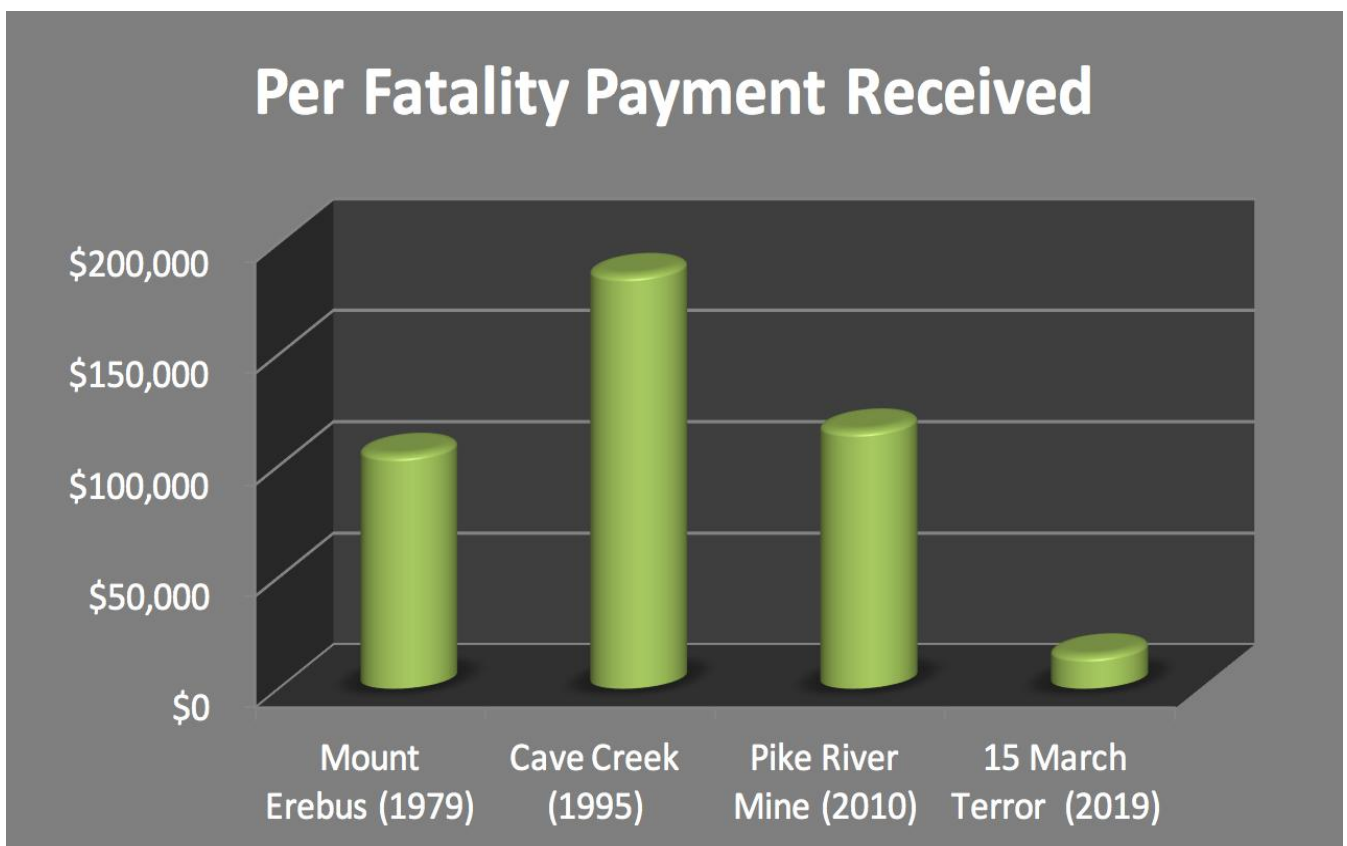


# 3.00 COMPARISON OF PAYMENTS RECEIVED BY VICTIMS OF PREVIOUS TRAGEDIES

## 3.1 Payments Received for Fatality

The ACC compensation payment of \$15,059 for the life of a deceased is less than a price of a second-hand car from a used-car dealership.

At a time of extreme need, the widows and children are grateful for the funds, however we question whether this amount represents the ‘huge duty of care’ promised. Innocent worshippers relied on the State to keep them safe and now their families suffer the hardships.



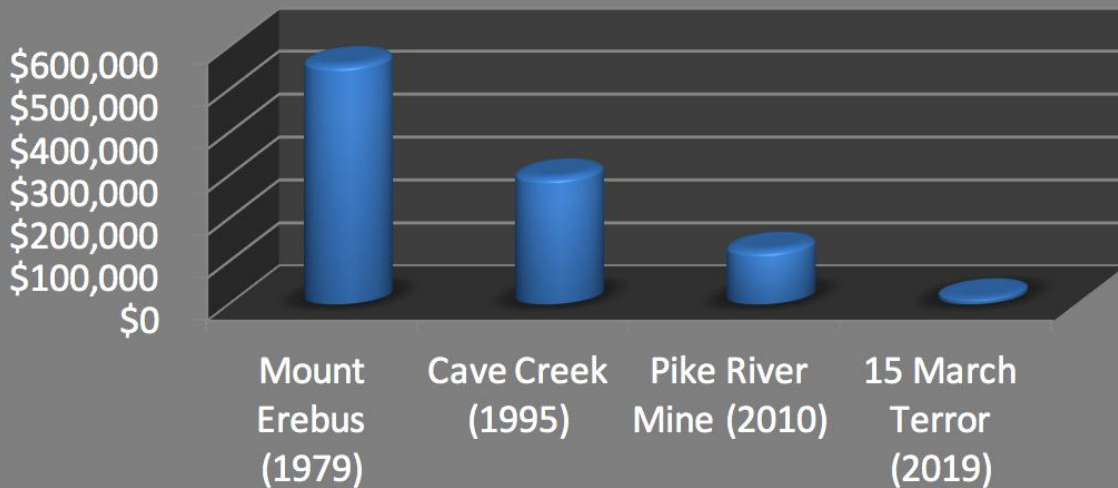
Per Fatality Payment Received	
Mount Erebus (1979) <sup>17</sup>	\$105,000
Cave Creek (1995) <sup>18</sup>	\$185,714
Pike River Mine (2010) <sup>19</sup>	\$115,940
15 March Terror (2019) OIA from ACC on 7 April 2021, stated a total of \$ 768,009 was paid as Death Benefits- Grants. With 51 shuhada, this represents an average of \$15,059 pr shaheed. Our focus is on the lump sum grants which are for every shaheed. Other weekly payments depend on number and age children, prior income and other factors and are not applicable for all shaheed.	\$15,059

<sup>17</sup> <https://www.nzherald.co.nz/nz/erebus-crash-cash-revealed/C3U2WM54PYJZJ71ZLCP66POC4/>

<sup>18</sup> <https://westcoast.recollect.co.nz/nodes/view/633>

<sup>19</sup> In addition to \$5940.91 Survivor grant from ACC (<https://www.beehive.govt.nz/sites/default/files/ACCassistance.pdf>) another \$110,000 was received as out of court settlement ,where the Crown dropped charges against the company ( which was partly owned by ACC and New Zealand Oil and Gas both NZ Government entities ) <https://www.nzherald.co.nz/nz/govt-insists-fairness-at-heart-of-pike-river-compensation-denial/CG3M4VNBQIQLJHDA66KZCPSQBE/> <https://www.stuff.co.nz/national/9553523/Payout-to-Pike-River-families-under-way>

## Adjusted to 2019 NZD Equivalent Per Fatality Payment Received



### Adjusted to 2019 NZD Equivalent<sup>20</sup> Per Fatality Received

Mount Erebus (1979)	\$598,841
Cave Creek (1995)	\$296,007
Pike River Mine (2010)	\$125,665
15 March Terror (2019)	\$15,059

<sup>20</sup> Based on Reserve Bank of NZ inflation calculator. <https://www.rbnz.govt.nz/monetary-policy/about-monetary-policy/inflation-calculator>

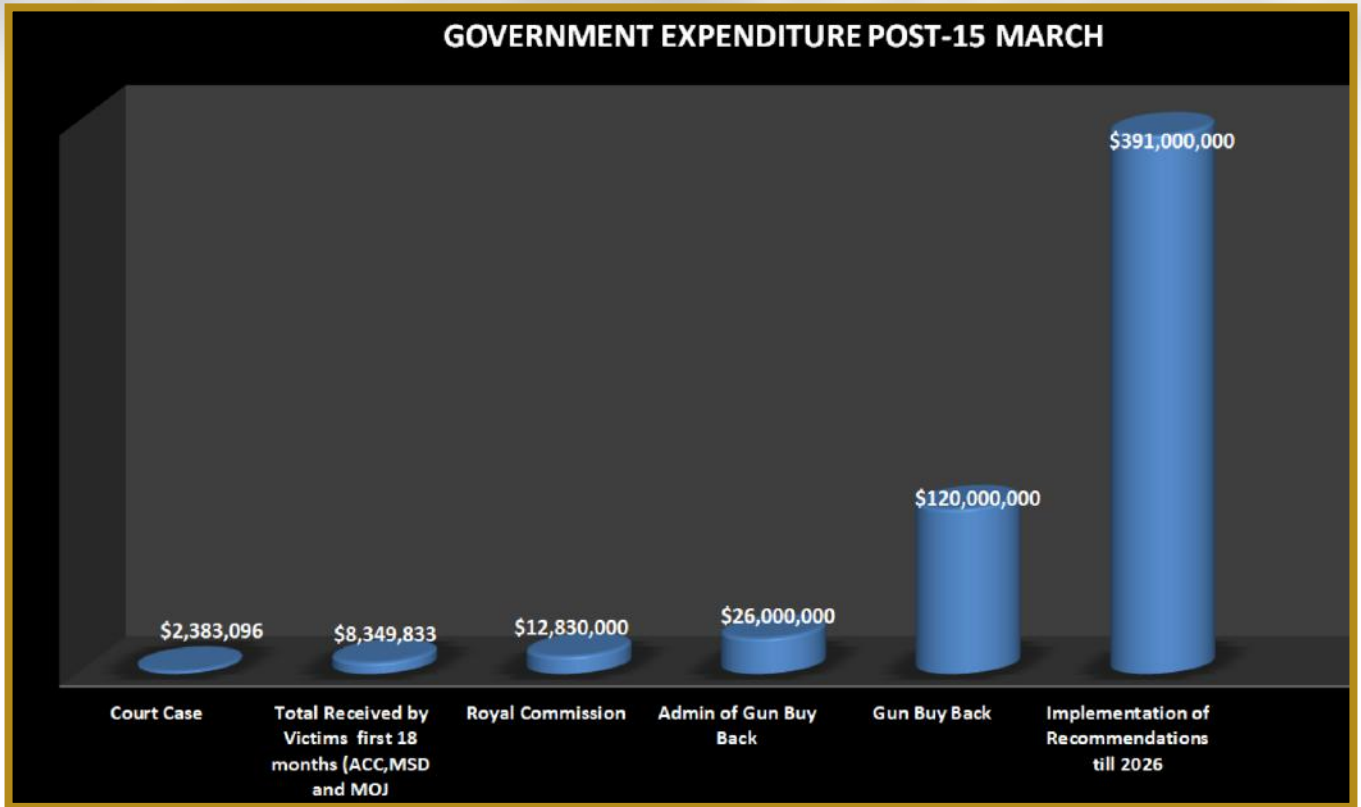
### 3.2 Detailed breakdown of relevant information - with data source

	Mt Erebus Plane Crash	Cave Creek Disaster	Pike River Mine Disaster	Christchurch Mosques
Year	1979	1995	2010	2019
Fatalities/Physical Injuries	200 NZers	14 dead/4 injured ( 13 were students and 1 teacher)	29 persons	51 Martyrs, 40 bullet injured (Police); 118 injured (CDHB) <sup>21</sup>
Type of Inquiry	Royal Commission	Commission of Inquiry	Royal Commission	Royal Commission
Litigation Arising	Yes	No	Yes	
Apology by Government	N/A	Yes	N/A	Yes
Resignation of Govt. Officials		DOC Regional Conservator	N/A	No
Resignation of Minister		Minister of Conservation	N/A	No
ACC Coverage at that time	Happened off-shore	Yes	Yes ( Workplace Accident)	Yes
Victims Received within 2 Years of event (Excluding private donations)	\$21 million of which Govt paid \$6.9 million after class legal action <sup>22</sup>	\$2.6 million <sup>23</sup>	From 2010 to 2014 \$5 million paid <sup>24</sup> Plus up to \$20 million "extra paid" (Minister Hon Judith Collins) <sup>25</sup> plus Pike River Coal, was ordered to pay NZ\$110,000 to each of the victim's families and to two survivors – but the company was in receivership at the time. \$3.4million was paid to victims. <sup>26</sup>	15 March 2019 to 31 December 2020 \$6,696,662 (ACC) \$913,161 (MSD) \$740,010 (MOJ) TOTAL: 8,349,833 This covered everything from funeral grants, dental treatment, hospital treatment, independence allowance, medical treatment, capital expenditure for homes, vocational rehabilitation, death benefit grants and weekly compensation for 220 victims.
Payment overseas	Paid \$4 million to 24 Japanese families overseas <sup>27</sup>		Offer to cover costs of overseas funerals of miners <sup>28</sup>	No payment overseas
Death Benefit Grant/ Fatality	\$105,000/fatality for NZer \$166,667/fatality for Japanese	\$185,714/fatality <sup>29</sup>	\$110,000/fatality <sup>30</sup> \$110,000/injured <sup>31</sup> Plus ACC entitlement	\$15,059/fatality <sup>32</sup>
ENTITLEMENT				
Funeral Grants	Not known	Not Known	\$5541	\$10,000 both ACC and Ministry of Justice <sup>33</sup>
Survivor Grant-Spouse/Partner	Not known	N/A	\$5940	\$6668.03 <sup>34</sup>
Survivor Grant – Child under 18 or other dependent	Not known	N/A	\$2970	\$3334.04 <sup>35</sup>

21 <http://www.scoop.co.nz/stories/HL1906/S00040/mosque-victims-spend-19500-hours-in-hospital-3000-in-icu.htm>  
22 <https://www.nzherald.co.nz/nz/erebus-crash-cash-revealed/C3U2MM54PYJZJ7IZLCP66POC4/>  
23 <https://westcoast.collect.co.nz/nodes/view/633>  
24 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
25 <https://www.nzherald.co.nz/nz/govt-insists-fairness-at-heart-of-pike-river-compensation-denial/CG3M4VNBQIQLJHDA66KZCPSQB/>  
26 <https://www.nzherald.co.nz/nz/erebus-crash-revealed/C3U2MM54PYJZJ7IZLCP66POC4/>  
27 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
28 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
29 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
30 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
31 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
32 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
33 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
34 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)  
35 [https://www.parliament.nz/en/document/50HansQ\\_20131121\\_00000003](https://www.parliament.nz/en/document/50HansQ_20131121_00000003)



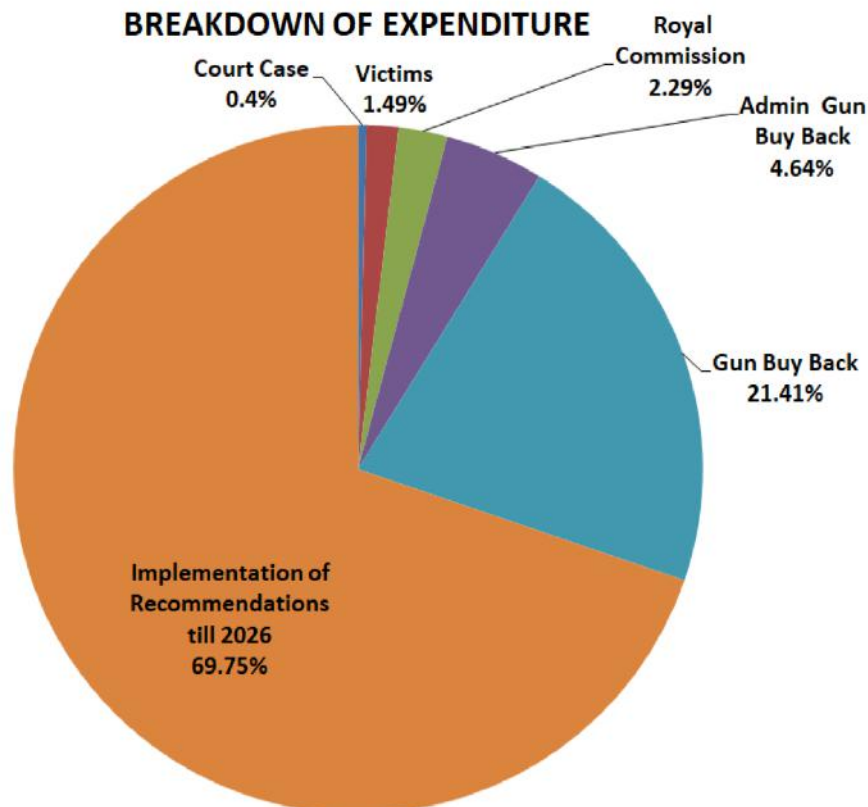
## 4.00 POST-15 MARCH BUDGET ALLOCATION





## POST 15 MARCH TERRORISM

### BREAKDOWN OF EXPENDITURE



**ONLY 1.54% OF BUDGET HAS BEEN FOR VICTIMS**

Court Case <sup>118</sup> & Prison 2019-2021 <sup>119</sup>	\$ 2,383,096
Total Received by Victims first 18 months (ACC, MSD and MOJ) <sup>120</sup>	\$ 8,349,833
Royal Commission <sup>121</sup>	\$ 12,830,000
Admin of Gun Buy Back <sup>122</sup>	\$ 26,000,000
Gun Buy Back <sup>123</sup>	\$ 120,000,000
Implementation of Recommendations till 2026 <sup>124</sup>	\$ 391,000,000

The suffering victims have received almost negligible amount in the context of the total expenditure--- only 1.5%. Yet some 98.55% of over \$540 million have been for others.

<sup>118</sup> OIA from Ministry of Justice

<sup>119</sup> <https://www.1news.co.nz/2021/05/20/budget-2021-66m-allocated-to-keep-christchurch-terrorist-locked-up/>

<sup>120</sup> OIA from ACC, MSD and MOJ

<sup>121</sup> DIA : <https://covid19.govt.nz/assets/Proactive-Releases/proactive-release/Royal-Commission-of-Inquiry-into-the-Attack-on-Christchurch-Mosques-on-15-March-2019-Extension-of-report-back-date-in-response-to-COVID-19.pdf>

<sup>122</sup> <https://oag.parliament.nz/2020/firearms-buy-back/docs/firearms-buy-back.pdf>

<sup>123</sup> <https://oag.parliament.nz/2020/firearms-buy-back/docs/firearms-buy-back.pdf>

<sup>124</sup> <https://www.treasury.govt.nz/sites/default/files/2022-06/b22-wellbeing-budget-soi.pdf>



# 5.00 PERSPECTIVE ON COMPENSATION — IS IT FAIR?

## 5.1 IS IT FAIR?

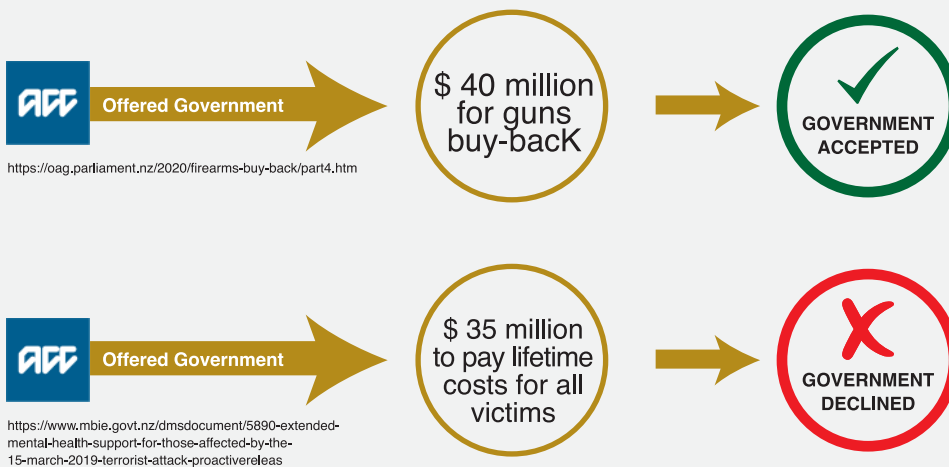
The ACC compensation payment of \$15,059<sup>109</sup> for the life of a deceased is less than a price of a second-hand car from a used-car dealership.

We question whether this amount represents the ‘huge duty of care’ promised. Innocent worshippers relied on the State to keep them safe and now their families suffer the hardships.

## 5.2 IS IT FAIR?

The previous government happily accepted \$40million from ACC towards the payment of the gun buy-back scheme.<sup>112</sup> Yet they rejected ACC’s offer to also help the unwaged victims of the massacre.

The value placed for paying for a gun seems to be higher than the value of helping the unwaged gun-victim. The ultimate irony is that there are significant unspent funds from the buy-back scheme.



## 5.3 IS IT FAIR ?

A bullet wounded patient who is under high daily dosage of pain medicine and is groggy for almost the whole day has been served notice by ACC to start the process of seeking employment. This is not just adding to the trauma, but simply cruelty to a person who is still suffering from his bullet wounds.

<sup>109</sup> OIA – Available on Request

<sup>110</sup> <https://www.nzherald.co.nz/nz/christchurch-mosque-shootings-brenton-tarrant-prison-bill-to-cost-taxpayers-36m-cabinet-papers/VPNPYCNVQFTVR5TS7CZ64F47EQ/>

<sup>111</sup> OIA Available on request . \$1,665,849/51 victims/18 month/30 days

<sup>112</sup> <https://oag.parliament.nz/2020/firearms-buy-back/part4.htm>

## 5.4 IS IT FAIR?

More money is being spent on the welfare and wellbeing of one terrorist than all the 51 families of the shuhada combined.

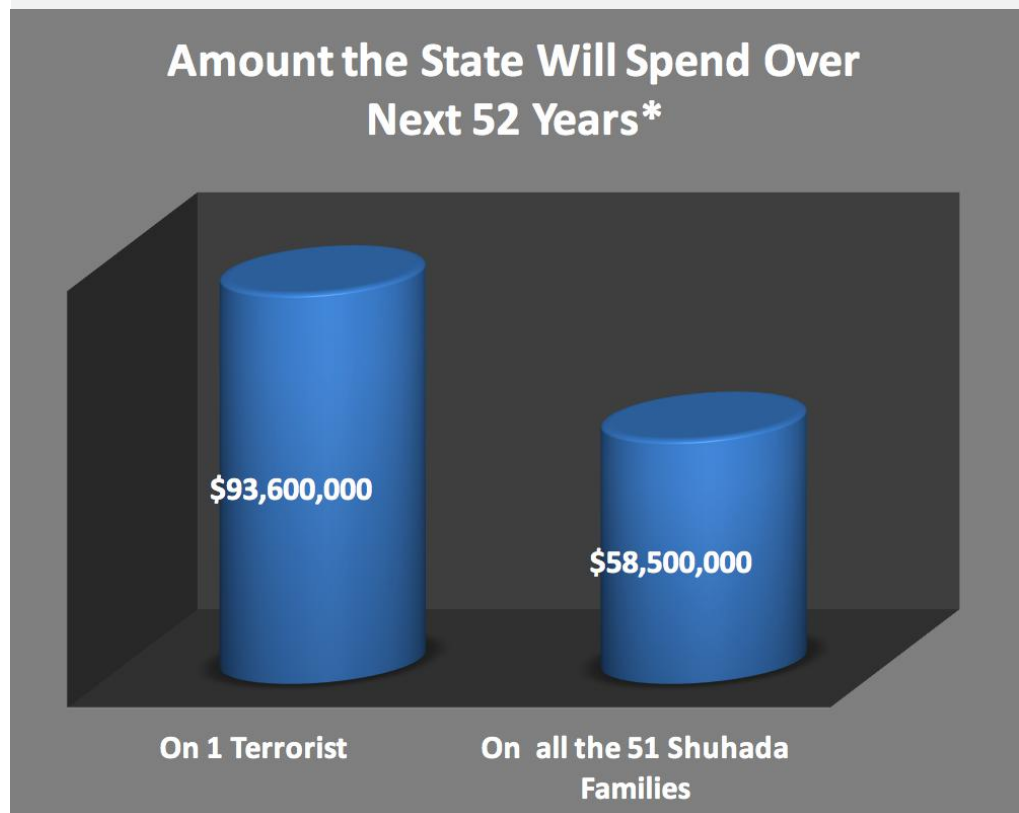
### Evidence:

**This will cost taxpayers \$93.6 million<sup>115</sup> for the terrorist's upkeep.** It is costing \$4932/day to maintain the terrorist in the Prisoners of Extreme Risk Unit (PERU) at Paremoremo Prison.<sup>113</sup> Based on his current demographic profile his life expectancy will be approximately age 83 years.<sup>114</sup>

Based on OIA data from ACC the weekly compensation death benefits for the 51 shuhada families for 18 months is \$1,665,849<sup>116</sup> or about \$3085/day for all the 51 shuhada families combined.

**For the same period as the terrorist, the total shall be \$58.5million<sup>117</sup> for all the 51 shuhada families.**

The social equity irony being nearly 55% more is spent on the the person who caused the suffering than those who are actually suffering



<sup>113</sup> <https://www.nzherald.co.nz/christchurch-mosque-shootings-brenton-tarrant-prison-bill-to-cost-taxpayers-36m-cabinet-papers/VPNPYCNVQFTVR5TS7CZ64F47EQ/>

<sup>114</sup> <https://www.macrotrends.net/countries/NZL/new-zealand/life-expectancy>

<sup>115</sup> In today's dollar value terms . 52 years x365daysx \$4932 =\$ 93,609,360

<sup>116</sup> OIA Available on request.

<sup>117</sup> In today's dollar value terms

## 5.5 IS IT FAIR?

More than 300% more was spent on payroll and consultants for the gun-buyback scheme over a period of 7 months than all the combined ACC payments for all the victims ( 51 shuhada, 40 bullet wounded and others) over a period of 18 months.

### **Evidence:**

The Audit Office noted over a 7 month period \$6.6 million was spent on personnel and \$7.5 million on consultants.

### **A combined total of \$14.1 million for the staff/consultants over 7 months.**

For a period of over 18 months from 15 March 2019 to 31 December 2020, ACC paid \$768,009 for death benefit, \$1,665,849 for death benefit weekly compensation and \$1,693,166 for weekly compensation to others.

### **A total of \$ \$4,127,024 for all the victims combined over 18 months.**

The social equity irony being the victims who suffered the most from the gun-massacre received less than consultants engaged for the scheme after the massacre.



■ Amount State Spent on Consultants Compared to Victims

## 5.6 IS IT FAIR?

A couple were both unwaged (but training for employment) with children and receiving about \$1380/week from MSD. The husband was martyred and the widow now receives about \$680 per week to pay for all outgoings - rent, food, childrens cost, electricity, transport, etc. Almost the same outgoing as before, but 50% less weekly income. The spouse now has increasing debts.

The poverty trap cycle has been a direct consequence of the 15 March terrorism.

## 5.7 IS IT FAIR?

On the fifth anniversary of the terror attack which killed their spouse, the ACC stops paying for childcare for the widows. The trauma of the death is compounded with the financial burden of loss of ACC childcare payment. All the suffering through no fault of the spouse has now become a permanent poverty trap for the children. ACC was never designed for victims of terror.

## 5.8 IS IT FAIR?

A migrant entrepreneur was working hard to establish his own business. He took a low salary so that he could reinvest into his company. He was severely injured and unable to work and lost his business. Given he had a low salary, he receives only marginally above the MSD payment rate.

The impact of the terrorism was that he lost his entire life savings which was invested in his business. There is no compensation for the loss of his business and his livelihood.

After the Christchurch earthquake, the Government had two schemes to support employers. - Earthquake Support Subsidy and the Earthquake Job Loss Cover, together paid companies about \$202 million. After 15 March, there was no support for business owners and many folded.

<sup>117.1</sup> <https://www.disasterassist.gov.au/disaster-arrangements/australian-victim-of-terrorism-overseas-payment>

<sup>117.2</sup> <https://www.acc.co.nz/newsroom/stories/support-available-to-victims-of-christchurch-terror-attack>



## 6.00 VICTIMS' PERSPECTIVE- RECOVER, REGAIN AND RESUME THEIR LIVES

### 6.1 THE SOCIOLOGY OF SURVIVAL

Whilst there is considerable research on the sociology of terrorism, there is a dearth of sociological studies on the victims of terrorism.<sup>36</sup> The contextual characteristics of the Muslim community in Christchurch have to be considered for any meaningful understanding from a victim-centred perspective. With nearly 78% of the Canterbury Muslim population born overseas, there are

the pervading hallmarks of a community imbued with the ethics of immigrant hardwork and trying to regain their former lives. It is also a youthful community, with one in four Muslims in the region below the age of 15 and approximately half of the total Muslim population below 30 years of age. With this also comes issues of intergenerational and long-term consequences.

In the above context the following are the emergent trends of their resilience.<sup>37</sup>

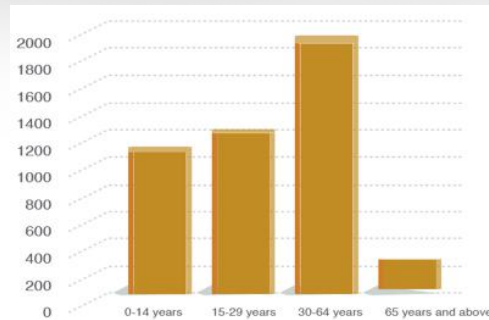


Chart 1: Age Distribution of Muslims in the Canterbury Region  
Source: NZ Census 2018

One in four Muslims in the Canterbury region below age 15 and approximately half of the total Muslim population are below 30 years of age.

**Autonomy:** At an individual and collective level, the victims are gradually focusing on reclaiming their identity. The initial aftermath of the terror tragedy was a period of many uncertainties with reactive external pressures determining much of their lives. The period of the 'external others', guiding them and offering pathways to overcome their personal tragedies and trauma is waning. More victims are now focusing on reclaiming their identity by deciding for themselves what to do and how to plan for their future. This manifests in being more 'open' in raising concerns, more assertion of their views, as well as trying to raise their sense of self-empowerment. More of the victims are now starting to make decisions appropriate to their own values, aspirations and priorities. Such a process of reclaiming self-autonomy takes time.

**Life-Chances:** With almost every Canterbury Muslim household impacted by 15 March, the community has been in an unsettled state for some time. However, in recent times there has been a noticeable focus on trying to improve their individual life-chances. For many, the primary motive for migration was to improve their quality of life and the primacy of this motive is still evident.

Typical of first and second generation immigrants, the need for education for the younger generation as well as reskilling for better employment is quite evident. The need for self-help and upgrading from their current circumstances is borne of the necessity to at least try an improve their life-chances.

<sup>36</sup> <https://www.tandfonline.com/doi/abs/10.1080/10576107908435446?journalCode=uter19>

<sup>37</sup> Based on interviews, observations over the last 18 months by the author.

**Facing On-Going Islamophobia:** The number and range of Islamophobic incidents being faced by the survivors have been increasing. High profile media cases<sup>38</sup> have highlighted the ongoing trauma being faced by the Muslim community. At issue is that the RCOI had stated the need for hate speech and hate crime legislation as one of the tangible options in the tool-kit to mitigate such hate mongering. The failure to take such steps has sent a strong message to the hate mongers, that the political will to tackle the hard issues is lacking, particularly in a pre-election timeframe. The 'imported' legitimising of hate, is now manifesting in the supermarkets, schools and urban streets of Aotearoa New Zealand.

**In the final instance, this is a community which is trying its utmost to recover from the tragedy, regain their self-confidence and resume their lives.**

---

<sup>38</sup> <https://www.newshub.co.nz/home/new-zealand/2022/06/christchurch-man-shocked-after-two-men-hurled-racist-abuse-at-him-in-carpark.html>  
<https://www.nz.co.nz/news/national/444515/christchurch-terror-attack-victim-rocked-by-racist-mall-tirade>

## 6.2 RESILIENCE

Each of the affected whānau, survivors and witnesses of the terrorist massacre have to cope with ongoing trauma. Some have lost their loved ones and others have ongoing physical and mental injuries. Most live with the trauma and pain from physical and psychological injuries, the bleak outlook for themselves and their children, many suffer from phobias of even venturing to the shops and being subjected to on-going racist tirades. Many of them suffer the constant stress which comes with the loss of income. Many simply no longer have the ability to have a social life. Others have to address a range of intra-family problems. Some are unable to bring extended family caregivers from overseas.

Such practical considerations and constraints are the living reality of the 15 March victims and despite this they are nevertheless trying to be as resilient as they can. Both the former Prime Minister and the Royal Commission have acknowledged the resilience of the Muslim community in Canterbury.

### *Dame Jacinda Ardern on the Resilience of the Families*

*“...today is a day to pay our respects to the grieving families of Christchurch, and we here in this Parliament stand with them and the people of that city. Once more their lives have been massively disrupted. Once more we see their remarkable resilience.”*

### *The Royal Commission on the Resilience of the Families*

*“Some women are taking on additional roles within their whānau and learning new skills such as driving or financial literacy. Simultaneously, these women are carrying more of the parenting responsibilities while dealing with their own grief and recovery needs.”*

## 6.3 OVERCOMING HURDLES

As victims of terrorism they share similar problems faced by victims of other acts of terrorism overseas. As Yanay (1993)<sup>39</sup> stated, “terrorism is a political crime and the political system needs to be sensitive to its victims, including providing help on an individual discretionary basis”.<sup>40</sup> There are three hurdles to this help (Tropman et al, 1981).<sup>41</sup> Firstly the value perspective, then the political perspective and finally the fiscal issue.<sup>42</sup>

‘The value perspective questions the limits of responsibility of the public and the State towards individuals and families’.<sup>43</sup> The previous government has clearly stated, by way of a ministerial statement in Parliament, that the State has a ‘huge duty of care’ for the victims.<sup>44</sup>

<sup>39</sup> <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2069&context=jssw>

<sup>40</sup> <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2069&context=jssw>

<sup>41</sup> Tropman, John E., Dluhy, Milan J. and Lind, Roger M. (1981). *New Strategic Perspectives on Social Policy*. Pergamon Press. New York

<sup>42</sup> <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2069&context=jssw>

<sup>43</sup> <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2069&context=jssw>

<sup>44</sup> [https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb\\_20190319\\_20190319\\_08](https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20190319_20190319_08)



The political perspective relates to the need to design solutions that takes into account the varying value perspectives. Whilst there is ample evidence of this with the whole host of Royal Commission recommendations in the process of being implemented, there has been no firm commitment on compensation to victims, other than what is available under ACC and other welfare agencies. There is an important issue of principle here. The previous government had equated the position of the March 15 terror victims to all victims of crime. In so doing, they had also put aside the fact that no recent crime in NZ has resulted in a Royal Commission, nor has the whole country and the world focused on the healing process for the victims, nor has there been a budgeted allocation upwards of \$1.2 billion as a consequence of the crime, nor has there been substantive changes to several pieces of legislation as well as the machinery of Government, nor has it resulted in a nationwide consultation programme with two Ministers and an army of civil servants genuinely seeking the views of the community. Whilst specific legislation has been passed on terrorism, when it comes to addressing the victims of terrorism no such recognition is given. Furthermore, there has been no recognition that when ACC was developed there was no consideration given to the gravity of terrorism and its physical and mental impact on society. Of import in this context is that purpose-specific legislation were developed to enable sexual violence to be covered by ACC yet when it comes to violence from terrorism the matter was not even considered by the previous government. It seems access to social equity has limits.

We have already noted in an earlier Report<sup>46</sup> that the option given by the ACC Minister at that time was not accepted by Cabinet. This option aimed to mitigate the inherent discriminatory system. It aimed to redress the issue that only the waged could be compensated and the unwaged could not, despite both being subject to the same physical and mental injuries.

<sup>46</sup> <https://fianz.com/wp-content/uploads/2021/07/FIANZ-WELFARE-AND-WELLBEING-REPORT-ON-THE-VICTIMS-OF-15-MARCH-PART-1-AND-PART-2-RELEASED-ON-23-JUNE-2021.pdf>



## 7.00 NEEDS ANALYSIS

### 7.1 Need-Based Supportive Planning

An army of caring civil servants who are deconstructing and reconstructing systemic structures and policies to make Aotearoa New Zealand a safer society is a positive start. So are the array of 44 Recommendations being implemented by the different Ministries and agencies at a varied pace. With all the hype of endless reviews, more than 118 hui to engage with the community, the pronouncements of over a dozen legislation and regulation updates, and a mushrooming growth of civil servants to implement changes, the State has forgotten the first basic prerequisite of recovery management. A comprehensive needs assessment of the victims has not yet been done after three years. From a tragedy management perspective this is a significant failure in planning.<sup>47</sup> However, it is still not too late.

The needs cover a gamut of areas such as housing, education, immigration, financial, medical, psycho-social and spiritual wellbeing. Relevant overseas research after such tragedies has noted that all are interrelated and impact at various levels - the individual, family and communal.<sup>48</sup> Whilst there has been an attempt under the Kaiwhakaoranga Service for individual case studies, what has been missing is community-wide needs approach. We recognise three reality factors in proposing such a community-wide needs assessment.

— Firstly, there is an inherent inertia to yet again give personal information to strangers. The community has suffered more than its share of 'information seekers'.

— Secondly, the fluidity of circumstances is constant. It has been nearly 5 years and the needs are changing and will further change in the future.

— Thirdly, for many victims a trust-deficit exists with respect to agencies and organisations.

Agencies often respond that the Privacy Act does not allow sharing of information. A need analysis does not need identifying information. There are many research protocols which determine needs based on demographic categories correlated against aggregate typologies and qualifiers. No private information has to be revealed.

Agencies have yet to agree on a all-of-government definition of victims. Furthermore, with no baseline needs of the victims, there are no objective metrics to determine if progress has been made. Qualitative anecdotes are not a valid substitute for purposeful, formal evaluation. Taxpayer funds are being spent by officials and this requires a systemic evaluation of the value and efficacy of the services being offered.

<sup>47</sup> <https://www.qra.qld.gov.au/sites/default/files/2020-03/Recovery-Planning-terrorism.pdf>

<sup>48</sup> <https://www.victimsupport.org.uk/wp-content/uploads/documents/files/Victim%20Support%20-%20Responding%20to%20terror%20attacks.pdf>

## 7.2 Determining Who and How Many Victims

FIANZ proposes Levels 1 to 4 be considered for compensation support, but the first task is for all the agencies to agree to a common definitional criteria of victims and then empirically determine the actual number of victims.



<b>Level 1:</b>	Families of Martyrs (Shaheed): 51 <sup>49</sup> (Inna li lahi wa inna li layhi raja'un. "Indeed, to Allah we belong and to Allah is our return.")
<b>Level 2:</b>	<p>Injured: The numbers vary, according to the different agency</p> <ul style="list-style-type: none"> <li>• Bullet Injured: 40<sup>50</sup> [According to the Police]</li> <li>• Other Physically Injured: 49<sup>51</sup> [According to Victim Support]</li> <li>• Total Injured: 118<sup>52</sup> [According to the Canterbury DHB]</li> </ul>
<b>Level 3:</b>	<p>Those present in the 2 Mosques: The numbers vary according to the agency</p> <ul style="list-style-type: none"> <li>• 154<sup>53</sup> [ According to Victim Support];</li> <li>• 155 [According to Christchurch Foundation];</li> <li>• 200<sup>54</sup> [According to the ACC];</li> <li>• 296<sup>55</sup> [According to the Police]</li> <li>• 78 First Responders, helpers, neighbours<sup>56</sup></li> </ul>
<b>Level 4:</b>	<p>Families of those affected (Level 1-3): The numbers vary according to the agency</p> <ul style="list-style-type: none"> <li>• 680<sup>57</sup> [According to ACC];</li> <li>• 834 [FIANZ estimate]</li> <li>• 1000 [The Treasury – all victims]<sup>58</sup></li> </ul> <p>It should also be noted that there is considerable research<sup>59</sup> indicating that first responders, immediate helpers and witnesses are also acutely susceptible to long term PTSD. In our view, they should also be included in the compensation programme.</p>

**“Unfortunately there is no all-of-government agreement on who and how many victims there are after March 15.”**

**Note:** We consider 'Injured' to cover those who are physically injured or visibly injured or mentally injured.

<sup>49</sup> Royal Commission Report

<sup>50</sup> Royal Commission Report

<sup>51</sup> <https://www.victimsupport.org.nz/victim-support-to-distribute-additional-funds-to-victims-of-christchurch-terror-attacks/>

<sup>52</sup> <http://www.scoop.co.nz/stories/HL1906/S00040/mosque-victims-spend-19500-hours-in-hospital-3000-in-icu.htm>

<sup>53</sup> <https://www.victimsupport.org.nz/victim-support-to-distribute-additional-funds-to-victims-of-christchurch-terror-attacks/>

<sup>54</sup> <https://www.mbie.govt.nz/dmsdocument/5890-extended-mental-health-support-for-those-affected-by-the-15-march-2019-terrorist-attack-proactive-release-pdf>

<sup>55</sup> <https://www.victimsupport.org.nz/victim-support-completes-donation-distribution-to-victims-of-the-christchurch-mosque-attacks/>

<sup>56</sup> Based on FIANZ research

<sup>57</sup> <https://www.mbie.govt.nz/dmsdocument/5890-extended-mental-health-support-for-those-affected-by-the-15-march-2019-terrorist-attack-proactive-release-pdf>

<sup>58</sup> <https://www.treasury.govt.nz/sites/default/files/2020-07/b20-t2019-4155-4227770.pdf>

<sup>59</sup> <https://pubmed.ncbi.nlm.nih.gov/31821960/>

### 7.3 Types of Needs



## 7.4 Needs Assessment

Treasury's key qualifying principle for Government intervention is understanding the need for a specific and tailored solution. For instance, after the Christchurch earthquake the Treasury stated that any assistance must reflect the *“need for specific and tailored solutions that will best meet the need of the affected...”*<sup>61</sup> In the case of the March 15 tragedy, we suspect this failure of a comprehensive baseline needs analysis has been an unintended oversight. As a nation we have never contemplated or planned for such a tragedy. However, now that we have an expenditure trajectory above half a billion dollars<sup>62</sup> a needs baseline is essential.

We are confident that the Treasury shall be able to undertake a culturally appropriate research on whether the **welfare and wellbeing needs** of the impacted and traumatised whānau of the shuhada, the survivors and witnesses are being met. It is apt to give a reminder here that the Royal Commission devoted an entire chapter (Chapter 4, Part 10) on supporting the ongoing **recovery needs** of affected whānau, survivors and witnesses.

The Royal Commission had suggested a bottom up, one-stop service point for each affected whānau, survivor and/or witness, as well as a top-down vertical integration of the services. At issue is that without the holistic baseline needs analysis, the silo-approach to services shall continue.

<sup>61</sup> <https://www.treasury.govt.nz/sites/default/files/2017-11/b11-2026851.pdf>

<sup>62</sup> Details given later in this report

## 7.5 Cultural Perspective on Needs

Cultural literacy and cultural awareness are key baseline requirements for any meaningful approach to meeting the needs of the survivors. In this context, the key agencies like ACC , MSD , Immigration and others have to be cognizant of the following:

- The ‘family unit’ consists of more than the nuclear unit of parents and children, but also extends to grandparents, brothers and sisters , uncles and aunts of the victim. This requires careful consideration in making decisions impacting on the survivors. The issues range from granting visas to extending ACC and MSD payments and other such.
- The ‘family welfare’ approach often means the parents/guardians investing in their children’s future and in a cultural context there is also the need for the children to look after the welfare and wellbeing needs of their parents/guardians, including financially. In many circumstances, parents/guardians borrow to pay for their children’s overseas travel/study, with the expectation that the loans will be repaid once the person starts working. We have a number of cases, where such has been the context and the parents are now in dire financial need with no compensation received.
- ‘Family care-giver ’ may extend beyond affinal and consanguineal family relations to others who may be considered just as important a family member. These family caregivers may be trusted and relied upon by the survivors for their future.

A blanket ‘one-size-fits-all’ approach may be convenient for the regulations and policies of the various government agencies, but the matter of appropriate cultural-focused approach is of extreme importance to the survivors. Agencies have consistently failed on this and refer to existing regulative and policy ‘definitions’ which constrain their ability to be more culturally sensitive. This needs to be addressed urgently with direct consultation with the survivors.

Agencies have to be cognizant of the cultural definition of ‘family’ extends beyond the nuclear.

## 7.6 Types of Response Required

The other key benefit of a needs analysis is to determine the types of responses required. A structured approach would enable the Government to understand the range, scale and scope of services required. Some of these may well be beyond the Government and require family or community support. This is a fundamental aspect of the response planning which may have yet to be fully appreciated.

DOMAIN OF NEEDS <sup>63</sup>	TYPE OF SERVICES REQUIRED	RESPONSE DELIVERY BY GOVERNMENT AGENCIES
Information	Timely information on the comprehensive inventory of services which the victims can avail from different agencies and how to access them.	✓ Yes
Spiritual Support	A faith-based community needs the religious scaffolding support after such tragedies.	✗ No
Family and Social Support	The need for family (including extended family) and social (same culture/language) support at a time of on-going stress, trauma and emotional hardship. This need is even more acute for recent migrants, who have no extended family in the country.	✓ Yes
Practical Support	Immigration, ACC, Housing, Financial and other such practical support, including such basic needs as transport to supermarket, etc.	✓ Yes
Health Care	Wide range of health care support, including psychosocial, injury treatment and others	✓ Yes

<sup>63</sup> <https://www.sciencedirect.com/science/article/pii/S2212420922000267>

The following are some example of intersectional issues and the wide scope of needs noted during our research:

**Counseling:** For a vulnerable community suffering extreme trauma, the scheme for free counseling sessions ended for many after a set number of sessions. A needs-based coordination would have ensured a sustained budgeted service. For the vulnerable this type of essential service is a pivotal life-line.

**Rotating Case Manager:** In a context where the widows, the bullet-wounded and witnesses have all been suffering personal trauma, it is quite difficult for them to 'open up' and establish a trust-based relationship with case managers. This process takes time and there are many cultural issues which have to be addressed. However, when the case managers leave and are replaced with new managers it is quite difficult for the beneficiaries to again start trust building. Such repeated changes have devalued the efficacy of the single point case manager. A need-based planned approach would have mitigated this issue.

**Financial Limitation:** Some of the victims are now eligible for Permanent Residence. However, the fee of \$200 to \$700 depending on the number of children is a significant financial barrier for them to have 'peace of mind' for their future. Under normal circumstances, many of these victims would have done extra part-time work or casual work to raise the funds themselves. However as the Royal Commission notes, "...these women are carrying more of the parenting responsibilities while dealing with their own grief and recovery needs" making it difficult to take on further work.

**Unequal Treatment:** It is certainly not social equity when two victims who are both widows receive different levels of financial support from the State, simply because their deceased husband was either unwaged or waged. The trauma and personal tragedies are the same for these victims, yet the State refuses to treat them equally. This makes a mockery of any semblance of social equity or fairness. There is no doubt from the available research and the lived experience of the families of the 15 March terror tragedy, that financial difficulties worsened grief outcomes.



## 7.7 Existing Support

To their credit, agencies such as the MSD, ACC, NZIS, MOH (CDHB) and others are providing some level of support. The Annual Report of the Collective Impact Board<sup>64</sup> lists the range of services provided by the Kaiwhakaoranga Intensive Case Management Service. A baseline needs assessment would help to track the qualitative and quantitative changes over time, and this should be a priority given that there should be some empirical metrics of outcomes. At issue is not only to support the welfare and wellbeing of those directly impacted by the tragedy of March 15, but also to ensure longterm planning to mitigate intergenerational inequities. An external and independent formative evaluation of the Kaiwhakaoranga service is recommended to ensure efficacious alignment of the changing needs of the victims and the professional currently being offered.

<sup>64</sup> [https://www.collectiveimpactboard.org.nz/assets/6316CIB\\_Annual-Report-2022\\_14\\_SPREADS\\_LOW-RES.pdf](https://www.collectiveimpactboard.org.nz/assets/6316CIB_Annual-Report-2022_14_SPREADS_LOW-RES.pdf)



# 8.00 PSYCHOSOCIAL CONSEQUENCES OF TERRORISM

## 8.1 Ministry of Health on the Right Path

To its credit, the Canterbury District Health Board conducted a rapid literature review within 2 months of March 15 to determine the scale and type of likely issues for wellbeing recovery. The Kerdemelidis & Reid (2019) study on mass shootings was extensive, predictive and was an evidence-led approach on what to expect. The research highlighted that the health authorities were trying their utmost to be prepared for the recovery. It also was a much needed indicator of an evidence-based approach to planning.


## 8.2 Research Survey

One of the most pressing issues is to manage the psychosocial needs of the victims. This is a very complex area requiring research on such factors as the types and stages of trauma, the cultural and gender barriers, overcoming stigma, the availability of an access to services and other such factors. In the absence of baseline NZ research in this area at this time,<sup>65</sup> we have focused on overseas experience. The following section provides an indicative baseline understanding of the types of mental health issues arising after terror attacks. Our research survey consisted of 53 terrorism terror events. We did not limit our focus to only mass shootings such as that of March 15 but also included other types of terrorism.

The research may be summarised into 4 key findings :




- i) There are both short-term and long-term psychosocial consequences
- ii) The impact is not only on the families of the martyred and the wounded, but also the witnesses and the wider community, including children and youth.
- iii) There is evidence of increases in suicide and deliberate self-harm.
- iv) There is a need for on-going care of rescue/recovery workers (RRWs) or first responders.


**TABLE Sample of Research on Psychosocial Consequences of Terrorism Events<sup>66</sup>**

Event	Year	Morbidity or Outcome	Reference
New York City (NYC) and Arlington: World Trade Center and the Pentagon 	2001	7.5% of NYC residents had symptoms of acute PTSD, and 9.7% had depression at 5–8 weeks after the attacks; 20% of those closest to the attack site had symptoms of acute PTSD	Galea et al., 2002
		Utilisation rates of antianxiety medications were significantly higher than expected during October 2001. No significant effects were seen for antidepressant medication utilisation	McCarter & Goldman, 2002

<sup>65</sup> We are awaiting the research on Psychosocial impacts on the Christchurch Muslim community following the 15 March terrorist attacks: a mixed-methods study protocol by Ruqayya C. Sulaiman-Hill, corresponding author Richard Porter, Sandila Tanveer, Joseph Boden, Ben Beaglehole, Philip J Schluter, Shaystah Dean, and Caroline Bell

<sup>66</sup> <https://www.ncbi.nlm.nih.gov/books/NBK221638/table/ttt00013/?report=objectonly>

Event	Year	Morbidity or Outcome	Reference
		<p>44% of a nationally representative sample reported one or more “substantial stress symptom”</p> <p>Increase in rates of suicide and deliberate self-harm</p> <p>First-responders or RRWs are at risk and mental health screening and treatment must continue for them</p> <p>Rate of “probable PTSD” higher in NYC (11.2%) than elsewhere in the US (4%) 1–2 months after attacks</p> <p>17% of a nationally representative sample reported symptoms of posttraumatic stress 2 months after the attacks; 5.8%, at 6-month follow-up</p>	<p>Schuster et al., 2001</p> <p>Lange&amp;Neelman, 2004</p> <p>Seil et all , 2022</p> <p>Schlenger et al., 2002</p> <p>Silver et al., 2002</p>
<p>Oklahoma City: bombing</p> 	1995	<p>Fear during events and feeling that treatment was helpful were associated with higher risk of PTSD among adults seeking help</p> <p>Children, especially girls, who knew someone who died or who was injured in the bombing had more severe PTSD symptoms than those that did not know victims</p> <p>45% of a sample of survivors of the direct blast had one or more psychiatric illnesses; 34% had PTSD</p> <p>Degree of television and emotional exposure was associated with posttraumatic stress symptoms among middle school students</p>	<p>Tucker et al., 2000</p> <p>Peak, 2000</p> <p>North et al., 1999</p> <p>Pfefferbaum et al., 2001b</p>
<p>Tokyo, Japan: sarin gas released in subway</p> 	1995	<p>Somatic and psychological symptoms present at 2-, 3-, and 5-year follow-up</p> <p>8 of 34 victims developed PTSD after the attack</p> <p>Symptoms of distress present in exposed individuals at 1-, 3-, and 6-month follow-up</p>	<p>Kawana et al., 2001</p> <p>Tochigi et al., 2002</p> <p>Ohbu et al., 1997</p>

Event	Year	Morbidity or Outcome	Reference
Ireland: various terrorism events 	1993–1994	5% of police officers exposed to terrorist-related critical incidents had PTSD at 7–10-month follow-up	Wilson et al., 1997
Enniskillen, Ireland: bombing 	1987	50% of sample had PTSD at 6-month follow-up. There was no correlation with the degree of physical injury. More females than males had PTSD	Curran et al., 1990
France: various terrorism events 	1982–1987	PTSD present in 10.5% of uninjured victims, 8.3% of moderately injured, and 30.7% of severely injured. Overall, 13.3% were diagnosed with major depression. No gender differences	Abenheim et al., 1992

## 15 MARCH RESEARCH

We look forward to the pivotal research on **Psychosocial impacts on the Christchurch Muslim community following the 15 March terrorist attacks:** by Ruqayya C. Sulaiman-Hill, corresponding author Richard Porter, Sandila Tanveer, Joseph Boden, Ben Beaglehole, Philip J Schluter, Shaystah Dean and Caroline Bell. We are sure their research will help shape the policies, programmes and practices with respect to the impacted community in Christchurch.



# 9.0 FINANCIAL STRESS EXACERBATING MENTAL WELLBEING

## 9.1 Research Findings

There are many peer-reviewed studies which highlight the nexus between financial stress and existing PTSD. The combination of loss of income, death or injury of the income earner, uncertainty of the future, lack of financial literacy and other such problems, contribute to the mental health problems of victims.

**The following are some key examples, all of which are terror-related studies**

**Example 1:** US Study "...ongoing financial stress, job loss, and other post-event negative occurrences are associated with more severe adverse psychological consequences"<sup>67</sup>

**Example 2:** UK Study "Factors associated with post-traumatic stress includes...financial difficulty since the blast"<sup>68</sup>

**Example 3:** Belgium Study: "Not giving the full financial compensation to stimulate victims' mental health aid seeking behavior....then creates an extra mental barrier to recovery."<sup>69</sup>

The well-respected research forum, the International Society for Traumatic Stress Studies, conducted a longitudinal study of the 9/11 victim families and their results indicated that the most severely impaired group of family members had financial difficulties.<sup>70</sup>

It is important to stress that meeting the needs of survivors and families bereaved through terrorism is multi-pronged. In this context, as a major study by Victim Support in the UK noted, one in three victims had significant financial stress as a consequence of terrorism.<sup>71</sup>

"Our research found that bereaved family members were particularly affected, with almost a third suffering financial difficulties as a direct consequence"

Source: VictimSupport UK

<sup>67</sup> <https://www.ncbi.nlm.nih.gov/books/NBK221638/>

<sup>68</sup> <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/posttraumatic-stress-after-terrorist-attack-psychological-reactions-following-the-us-embassy-bombing-in-nairobi/D0A794E607662F36894C9943A1C3FDD6>

<sup>69</sup> file:///C:/Users/ARAZZA~/1/AppData/Local/Temp/tpsyt-12-638272.pdf

<sup>70</sup> <https://istss.org/public-resources/trauma-blog/2019-june/a-community%E2%80%99s-voice-9-11-victim-family-outcomes-14>

<sup>71</sup> [https://www.victimsupport.org.uk/wp-content/uploads/documents/files/Victim%20Support\\_Meeting%20the%20needs%20of%20survivors%20and%20families%20bereaved%20thro...\\_0.pdf](https://www.victimsupport.org.uk/wp-content/uploads/documents/files/Victim%20Support_Meeting%20the%20needs%20of%20survivors%20and%20families%20bereaved%20thro..._0.pdf)

## 9.2 Recognition of Financial Stress by the Royal Commission and the Ministry of Health

The Royal Commission in their findings related the views of victims with respect to financial stress.

### ROYAL COMMISSION REFERRING TO FINANCIAL STRESS OF VICTIMS

“We also heard from people who were struggling to cope financially, on top of the other challenges they were facing, particularly as financial support was scaled back over time.”<sup>72</sup>

The Ministry of Health also understood the importance of addressing financial needs in their report soon after the March 15 terrorist attack.

### NZ MINISTRY OF HEALTH : Supporting People Affected by the Christchurch Mosque Attacks.

“ Work in collaboration with other agencies to ensure basic needs are met ( e.g....financial needs”<sup>73</sup> ( Putting aside the issue that no such needs analysis has been conducted till now, it is still important to note that the Ministry of Health also recognises that meeting financial needs are essential to the mental wellbeing of the victims.)

## 9.3 FINANCIAL SUFFERING OF VICTIMS – SOME CASE NOTES<sup>74</sup>

FIANZ can relate more than 60 individual victim cases, but the issue of privacy and probable identification of each victim from generic descriptors is a significant constraint. As such, we have highlighted some examples without identification.

“...some people lost their jobs because they could no longer perform their tasks”

“A few survivors lost their businesses.”

“It was common for whānau to come from overseas to support loved ones who had survived the terrorist attack. (However this) can be detrimental to family members who have successful careers and a stable, flourishing life overseas. In New Zealand their qualifications and work experiences will likely not be recognised and in the longer term this places undue stress and pressure on an already vulnerable family unit.”

“Some witnesses of the terrorist attack told us that they were not eligible for financial support....They considered they were the “forgotten victims”.

<sup>72</sup> <https://christchurchattack.royalcommission.nz/the-report/voices-of-the-community/impact-of-the-terrorist-attack-on-affected-whanau-survivors-and-witnesses/>  
<sup>73</sup> <https://www.health.govt.nz/system/files/documents/pages/supporting-people-affected-christchurch-mosque-attacks-jul19.pdf>

<sup>74</sup> <https://www.nzherald.co.nz/nz/christchurch-mosque-shooter-sentencing-gunshot-wounds-and-grief-only-the-start-of-pain-suffering-for-terror-attack-families/7OOGM55IBKW2ZCG2CLIBHRPCGU/>

Victim's son who was a father of two was killed at Al Noor Mosque. He is now supporting his parents and siblings, along with his own wife and children. Without the income of his deceased son, the whole family now has to make do for everyone on his pension payments. He said they were now "forced to live a pathetic and miserable life", they were financially crippled and the family was "pushed to the brink of starvation". "We are confined to our house and feel socially withdrawn," he said.

Victim was shot in the arm. He spent eight days in hospital and still cannot work - he is too traumatised. His wife lost her job as a result of the massacre and the family are now surviving on about \$600 a week in ACC payments. This is very low amount after having to pay for rent.

Victim's brother was murdered at Al Noor. He is now supporting his brother's widow, children and their parents, as well as helping to run his brother's business.

Victim lost her husband and son and is having to manage raising two young children whilst suffering mentally. "Since my husband and son passed away I have not had a proper, normal sleep - I don't think I ever will."

Victim lost her son. She has also been diagnosed with PTSD and suffers from flashbacks."The loss and grief is so debilitating," she said. She also has issues with her memory and had been diagnosed with amnesia. Once a full-time working and confident mum of three, she is now unemployed and too scared to be out in public.

Victim witnessed the attack which killed her husband. Her daughter suffered racist taunts. She did not feel safe in NZ and had decided to take her son and daughter to be with their extended family overseas. However, the lack of any financial support forced her to return to NZ. The loss of her husband has resulted in her abject financial situation.

In a context where the affected whānau, survivors and witnesses are genuinely trying to regain their lives and improve their life-chances, the financial hardships they are facing requires an urgent response.



## 10.00 ACC NOT-FIT-FOR-PURPOSE FOR TERRORISM

The previous government, through the no-fault provision of the ACC has accorded the same level and type of compensation for the bullet-ridden terror victims as those who have accidents such as falling of a ladder or tripping over shoe laces. Simply put, this absurdity of one-size-fits-all needs to be revisited.

The first to address this was the Hon. Iain Les-Galloway, the Minister of ACC at that time. His approach echoed social equity values and reflected the common national mood of genuine care and sympathy for the victims. It was he who garnered the best policy experts within ACC and offered Cabinet three options, including the option to pay the same level of ACC compensation to the waged and unwaged without needing to change the ACC legislation. It provided a seamless support to all the victims.

The ACC, in their wisdom realised that being unwaged was not only discriminatory in this context, but would potentially impact on the victims for a longer time than necessary. The ACC stated:

It is appropriate to provide financial support that is similar to that available to those physically injured by the attack and to mentally injured workers to two groups of people who suffer mental harm as a result of the attack but who would not be eligible for ACC cover<sup>77</sup>

The importance of supporting family was also recognised by the ACC:

There is a pressing issue of unmet need for those who have been directly impacted by the attack, and were in close proximity to the attack. This need for support for mental injuries extends to those with a close and strong family connection to those directly impacted by the attack, given the likely more significant impact upon their mental health.<sup>78</sup>

The ACC would use the existing Section 265 of the ACC Act 2001 which allows for a one-off ancillary response. This option did not need any extra or additional legislation. Using existing provisions within the legislation (Section 265) would avoid the need for opening ACC up to further expansions. All it needed was a Ministerial directive, which the Minister was prepared to do subject to Cabinet approval. The ramification of this option was very clearly stated as “relatively low risk”. ACC noted, option 1 “enables a bespoke Government response administered by ACC, rather than expanding boundaries of the scheme”. Unfortunately, the then Cabinet did not approve this option and there was also a confused analysis by Treasury on the various options which also clouded the decision making.<sup>79</sup>

<sup>77</sup> <https://www.mbie.govt.nz/dmsdocument/5890-extended-mental-health-support-for-those-affected-by-the-15-march-2019-terrorist-attack-proactiverelease-pdf>  
<sup>78</sup> <https://www.mbie.govt.nz/dmsdocument/5890-extended-mental-health-support-for-those-affected-by-the-15-march-2019-terrorist-attack-proactiverelease-pdf>  
<sup>79</sup> <https://fianz.com/wp-content/uploads/2021/07/FIANZ-WELFARE-AND-WELLBEING-REPORT-ON-THE-VICTIMS-OF-15-MARCH-PART-1-AND-PART-2-RELEASED-ON-23-JUNE-2021.pdf>



As an important side note, at about the same time that Cabinet turned down the ACC offer to help the victims, the government did accept a \$40 million offer from ACC to help fund the gun-buy-back scheme.<sup>80</sup> In fact, according to the Auditor General, the ACC considered there was not even a need for a contract for this offer. The simple offer letter would be sufficient. On the one hand money from ACC for the gun buy-back was quickly accepted by the Government, however the ACC suggestion for using Section 265 of the ACA 2001 to compensate the victims was summarily rejected. The irony of the Government accepting money from ACC to pay gun owners but rejecting the ACC offer to pay victims of gun violence is a travesty of social equity.

**The irony of the Government accepting \$40 million from ACC to pay gun owners but rejecting the ACC offer to pay victims of gun violence is a travesty of social justice.**

## 10.1 Revisiting the Labour Government's Decision on ACC

After FIANZ released its Welfare and Wellbeing Report in 2022 highlighting the ACC options and the Cabinet decision, the Lead Coordinating Minister, Hon Andrew Little and the Prime Minister, Rt Hon Jacinda Ardern gave three main reasons for not extending the ACC coverage. These were:

**1** Firstly, extending the ACC coverage for all the victims, would have a domino effect. As Minister Little stated, “it would go beyond the dreadful and tragic terrorist act of March 2019. It would apply to a lot of circumstance”<sup>85</sup>

**2** Secondly, in keeping with the ‘huge duty of care’, it was explained that the Government was providing the support which was required through other agencies such as the MSD, Ministry of Health and others.

**3** Thirdly, as the Prime Minister at that time pointed out, “we don’t have a form of bulk payment compensation because we have the loss of earnings replacement through ACC”.<sup>86</sup>

FIANZ has analysed each of the above AND FOUND THEM DEFICIENT.

<sup>80</sup> <https://oag.parliament.nz/2020/firearms-buy-back/part4.htm>

<sup>85</sup> <https://www.1news.co.nz/2021/07/01/cabinet-didnt-extend-acc-coverage-to-all-terror-victims-despite-opposing-advice/>

<sup>86</sup> <https://www.1news.co.nz/2021/03/14/pm-defends-support-for-mosque-attack-survivors-but-hesitant-to-overhaul-acc-to-allow-one-off-payments/>

## 1 Reason for Not Extending ACC : Hon Andrew Little

Extending the ACC coverage for all the victims, would have a domino effect . As Minister Little stated , “ it would go beyond the dreadful and tragic terrorist act of March 2019. It would apply to a lot of circumstance”



### Our response with evidence

- To our knowledge the compensation which will be required for all homicide related fatalities in NZ has yet to be calculated by any Government agency. As such, it is not possible to relate the definitive financial implications of ACC coverage .
- However based on available information, in the previous 10 years prior to 2019, the recorded homicide offences averaged 43 per annum.<sup>87</sup> This is less than the 51 shaheed on March 15. More important is that the murder/homicide rate per 100K population was steadily decreasing from 2009. It decreased from 1.55/100,000 population to 0.74/100,000 population in 2017.<sup>88</sup>
- It is also important to note that data over 15 years (from 2000 to 2015) indicates that almost 40 % of all firearms deaths are suicides.<sup>89</sup>
- In terms of fire-arms related injuries, it is very difficult to get up-to-date figures. The only peer-reviewed data based on a 3 year period, indicates an average of 89 firearm related injuries per year.<sup>90</sup>
- If the current maximum lump sum payment was paid for all the firearm related fatalities (excluding suicide) it would amount to approximately \$23 million/annum. This would be less than .048% of the total ACC claims paid for 2019.
- The amount of ACC claims for non-fatal injuries due to arms, will be based on the % of physical impairment.
- When the issue of ACC compensation for mental injuries as a result of sexual abuse was raised there was also the issue of opening up the ‘floodgates’. Despite this, sexual abuse was included in the ACC.



### Comment

The domino effect by opening up ACC claims for all firearms related injuries as a result of criminal acts, will not result in significant budgetary strain. It would not account for even 0.5% of the ACC claims for 2019. [In fact, would be less than the amount of unused funds from the gun buyback scheme.]

<sup>87</sup> <https://www.police.govt.nz/sites/default/files/publications/historic-new-zealand-murder-rates-1926-2019.pdf>

<sup>88</sup> <https://www.macrotrends.net/countries/NZL/new-zealand/murder-homicide-rate>

<sup>89</sup> [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjOsJ2o3Oj5AhVSR2wGHb\\_rB\\_gQFnoECAIQAQ&url=https%3A%2F%2Fwww.otago.ac.nz%2Fotago708944.docx&usg=AOvVaw268nRZvWC5i2FzbNwPXLK7](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjOsJ2o3Oj5AhVSR2wGHb_rB_gQFnoECAIQAQ&url=https%3A%2F%2Fwww.otago.ac.nz%2Fotago708944.docx&usg=AOvVaw268nRZvWC5i2FzbNwPXLK7)

<sup>90</sup>

## 2

### Reason for Not Extending ACC : Hon Andrew Little

“The Government was providing the support which was required through other agencies such as the MSD, Ministry of Health and others.” “They are, of course, still eligible for support through our health system. Of course, they're still eligible for support through our benefit system.”<sup>91</sup>



### Our response with evidence

The 2022 Annual Report of the Collective Impact Board noted over 40 Government, NGO and private service providers as well as a separate list of services. This gives credence to the Minister's statement, however there are:

- no quality assurance benchmarks associated with the services
- nor any metrics for the evaluation of the services.<sup>92</sup>

The same Annual Report provides a generic assessment as per:

#### About Mental Health

- Mental Health needs are not being met with appropriate faith or language-based counselling. In particular, the needs of men, children and youth are not being met.
- Funding for counselling was also raised as existing funding had ended for some.

#### About Health

- Still remains a challenge and some experienced racism and other difficulties in navigating the system

#### Children and Youth

- Children and youth who have experienced the trauma first-hand, have lost friends and loved ones and continue to see the adults in their life struggling.
- Unhealthy behaviours are emerging with their youth, with education and mental health being major areas of concern.



### Comment

In the nearly five years since March 15, the situation is progressively getting worse for many of the impacted community. However, without any baseline data there is no meaningful method to gauge the progress. Much of what ACC predicted in 2019 of long-term mental health crisis is now becoming a sad reality. The avoidable financial stress is further aggravating the mental crisis.

<sup>91</sup> <https://www.1news.co.nz/2021/03/14/pm-defends-support-for-mosque-attack-survivors-but-hesitant-to-overhaul-acc-to-allow-one-off-payments/>

<sup>92</sup> [https://www.collectiveimpactboard.org.nz/assets/6316CIB\\_Annual-Report-2022\\_14\\_SPREADS\\_LOW-RES.pdf](https://www.collectiveimpactboard.org.nz/assets/6316CIB_Annual-Report-2022_14_SPREADS_LOW-RES.pdf)

# 3

## Reasons for Not Extending ACC : Dame Jacinda Ardern

“We don’t have a form of bulk payment compensation because we have the loss of earnings replacement through ACC”



### Our response with evidence

The facts are that ACC does provide lump-sum (bulk payment) for cases such as permanent injury, as well as for funeral grants and survivor grants.

### Size of Bulk Payment Compensation-Case Example

A 24 year old person was violently attacked. He received \$130,622.25 from ACC based on his assessed impairment. The person was not in employment and did not receive any loss of income compensation.<sup>93</sup> A later legislation amendment reduced the maximum payment to \$100,000.<sup>94</sup>

### Total Amount of Lump Sum Payment Made in 2019

A total of \$47 million was paid by ACC in lump sums in the 2019 financial year.<sup>95</sup>



### Comment

There is already an existing structured option for lump sum payments.

<sup>93</sup> <https://www.justice.govt.nz/assets/Documents/Decisions/2017-nzssaa-058.pdf>

<sup>94</sup> <https://www.nzherald.co.nz/nz/100000-cap-on-lump-sum-acc-payouts/ENKMQ7BEQTREHTQ4AJR5G3TO6M/>

<sup>95</sup> <https://www.acc.co.nz/assets/corporate-documents/acc8053-annual-report-2019.pdf>

## 10.2 ACC OPTION 1: Mirror Sexual Abuse Clauses

In the context of the above we consider that the door is not closed on the issue of compensation.

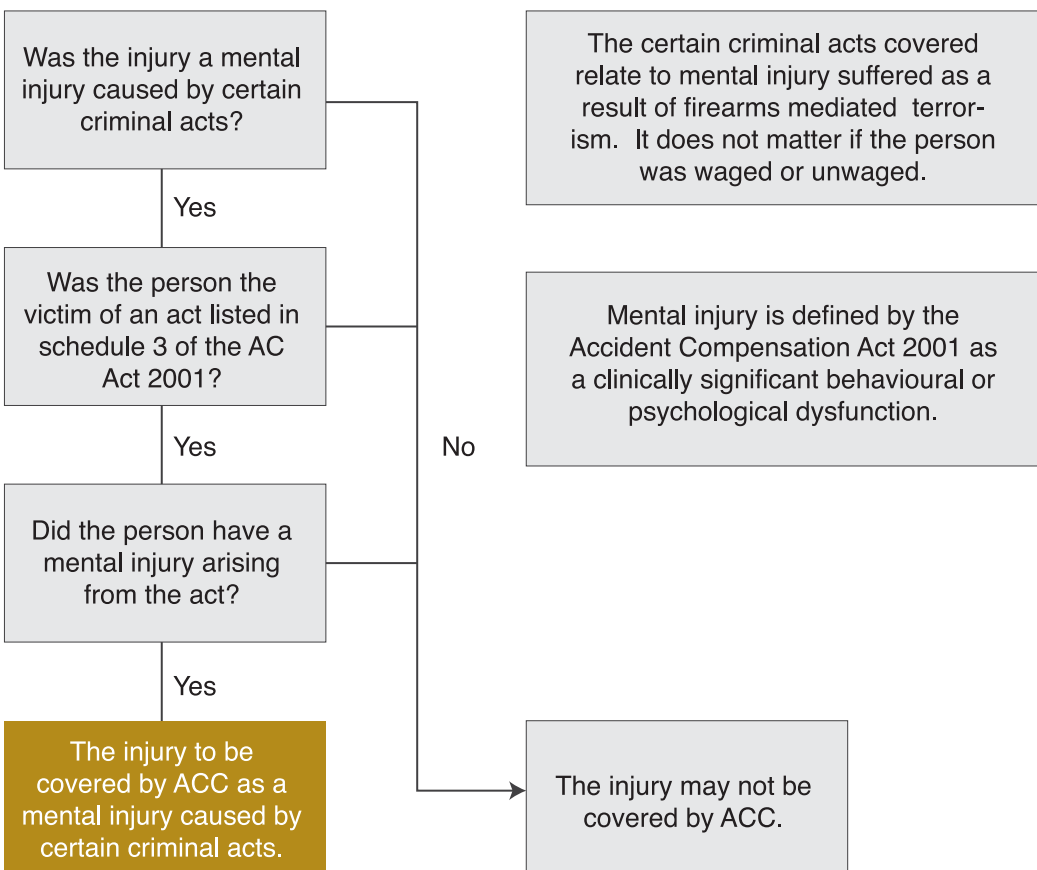
Our review has highlighted that systemic structures for compensation already exist and there is already precedence. We have noted the precedence for sexual abuse and sexual assault being included in the ACC claims process.

The option exists to mirror these sexual abuse clauses with one for the victims of terrorism. The structures and systems are already in place. We now have specific terrorism legislation as part of our national security framework, and such an Accident Compensation Act (ACA) clause would provide a safety net for all victims of terrorism. This option does not open the 'floodgates', since terrorism is very specific in its legislative definition.

Compensation for mental injury as a result of sexual abuse or sexual assault has been included as part of the ACC provision. The key criteria being that the person was a victim of an act listed in Schedule 3 of the Accident Compensation Act (ACA). The IPRC Amendment Acts (2005-2008) also extended the cover for all mental injuries from sexual violence that happened before 1999. The crimes listed in Schedule 3 would cover the terror tragedy of March 15. It is a 'best fit' exemplar which can be mirrored for the Christchurch terror victims.

Simply put, it is a matter of the political will to ensure social justice for the affected whānau, survivors and witnesses.

### Terrorism Related Mental Injury



## 10.3 ACC OPTION 2: Cover Mental Injury for Acts of Terrorism

A suggestion advocated by an ACC expert (Warren Forster)

“There is an issue for those who suffered mental injury, PTSD etc, during the events but were not physically injured and therefore do not have cover under the Accident Compensation Act (ACA). Overseas jurisdictions have been implementing “no-fault” schemes in relation to terrorism, and this would be an option, but a more practical approach that already is in use by ACC, is to consider inserting s21C along the lines of s21.

### **ACA 2001, s21:**

<http://www.legislation.govt.nz/act/public/2001/0049/latest/DLM100693.html>

### **TSA 2002, s5:**

<http://www.legislation.govt.nz/act/public/2002/0034/latest/DLM152702.html>

### **21C Cover for mental injury caused by certain terrorism acts**

- (1) A person has cover for a personal injury that is a mental injury if—
- (a) he or she suffers the mental injury inside or outside New Zealand on or after 1 April 2002; and
  - (b) the mental injury is caused by an act performed by another person; and
  - (c) the act is of a kind described in subsection (2).
- (2) Subsection (1)(c) applies to an act that—
- (a) is performed on, with, in the vicinity of or in relation to the person; and
  - (b) is performed—
    - (i) in New Zealand; or
    - (ii) outside New Zealand on, with, or in relation to a person who is ordinarily resident in New Zealand when the act is performed; and
  - (c) is within the description of an offence listed in the Terrorism Suppression Act 2002.
- (3) For the purposes of this section, it is irrelevant whether or not the person is ordinarily resident in New Zealand on the date on which he or she suffers the mental injury.
- (4) The date is the earlier of the terrorism act or the date determined in accordance with the process at section 36.
- (5) For the purposes of this section, it is irrelevant that—
- (a) no person can be, or has been, charged with or convicted of the offence; or
  - (b) the alleged offender is incapable of forming criminal intent.”

<sup>96</sup> <https://www.stuff.co.nz/national/politics/300658544/acc-reform-plan-presented-to-mps-now-its-up-to-them>

## 10.4 ACC OPTION 3: Revisit the original ACC proposal by the then ACC Minister

The option also exists to revisit, using Section 265 of the ACC Act, which was the original proposal by the then Minister of ACC. In this instance, our initial analysis has shown that opening up the ACC compensation platform for all those impacted by firearms violence will not be a significant financial burden. Our analysis has also clarified the low financial exposure relative to the significant equity and social equity gains.

With respect to the compensation from MSD from the victims' perspective is that, ACC provides for a higher financial baseline assistance than MSD. Continuing this discriminatory approach has led to community angst and has increased the burden of trauma. This unintended consequence needs to be addressed and reversed.

Within a few days after March 15, the then ACC Minister Hon. Lees Galloway proposed:



- Waged and Unwaged Victims Should Receive Same ACC Benefit
- ACC Officials confirmed S265 of ACC allows this payment without any legislative changes



The ACC, in their wisdom realised that being unwaged was not only discriminatory in this context, but would potentially impact on the victims for a longer time than necessary. The ACC stated:

*It is appropriate to provide financial support that is similar to that available to those physically injured by the attack and to mentally injured workers to two groups of people who suffer mental harm as a result of the attack but who would not be eligible for ACC cover<sup>9</sup>*

The importance of supporting family was also recognised by the ACC:

*There is a pressing issue of unmet need for those who have been directly impacted by the attack, and were in close proximity to the attack. This need for support for mental injuries extends to those with a close and strong family connection to those directly impacted by the attack, given the likely more significant impact upon their mental health.<sup>10</sup>*

Source: <https://www.mbie.govt.nz/dmsdocument/5890-extended-mental-health-support-for-those-affected-by-the-15-march-2019-terrorist-attack-proactiverelase->



**WE ARE REQUESTING NEW CABINET TO REVISIT THE DECISION OF THE PREVIOUS GOVERNMENT**

## 10.5 The Treasury Reclarified It's Position After FIANZ Report

Following the release of the **FIANZ Welfare and Wellbeing Report** in June 2021<sup>15</sup>, where we analysed the role of the Treasury after the March 15 tragedy. We received a clarification from Dr. Caralee McLeish, Secretary and Chief Executive of the Treasury.

*“At no point did we oppose additional assistance. There was never any question about that. However, we noted the wider implications of extending the ACC scheme and whether that was the appropriate channel to provide the urgent and required support..”*

We are grateful for the clarification.

Furthermore, our follow-up research noted that the Treasury sent an Aide Memoire to the Minister of Finance on 23 January, 2020<sup>16</sup> in which they provided a number of initiatives. We have reviewed them and considered them most appropriate, targeted and necessary for the welfare and well being of the victims. Of particular significance, is that Treasury suggested additional financial provision through **Victim Support** for the victims of the tragedy. We acknowledge that the Treasury had been significantly proactive in this respect.



TE TAI ŌHANGA  
THE TREASURY

Reference: T2019/4155 BM-2-4-2020-4-2 (Budget Initiative Assessments)

Date: 23 January 2020

To: Minister of Finance (Hon Grant Robertson)

Deadline: None

### **Aide Memoire: Budget 2020 Terrorism Related Initiatives**

Funding to ensure Victim Support can provide practical, emotional and financial support to over 1,000 victims of the Christchurch Mosque attacks, at the same level all victims of serious crime in New Zealand can expect, whilst maintaining Victim Support's current service delivery to all victims across New Zealand.

### **We would like to thank Treasury for:**

- **Agreeing on the matter of additional assistance for the victims.**
- **Acknowledging the need for financial support for the victims.**
- **The timely and contextually appropriate Aide Memoire.**

<sup>15</sup> <https://fianz.com/wp-content/uploads/2021/07/FIANZ-WELFARE-AND-WELLBEING-REPORT-ON-THE-VICTIMS-OF-15-MARCH-PART-1-AND-PART-2-RELEASED-ON-23-JUNE-2021.pdf>







<sup>16</sup> <https://www.treasury.govt.nz/sites/default/files/2020-07/b20-t2019-4155-4227770.pdf>





## 10.6 The need for consistency

The social equity ethos of a caring society dictates that no Government should knowingly contribute to intergenerational inequities through inconsistent policies. The previous government has already made exceptions for the March 15 victims with respect to other legislation and regulations, but did not do so with respect to the ACC. We find this incongruous.

### Evidence of exceptions made by agencies

	<p>Christchurch Response (2019) — permanent resident visa</p> <p><i>From 24 April 2019, people present during the terrorist attacks in Christchurch and their immediate families can apply for a special permanent resident visa.</i></p>	
	<p><b>Extending eligibility to student support to people who were affected by the Christchurch mosques terror attack</b></p> <p><small>In 2020, the Government decided to make it easier for students affected by the Christchurch mosques terror attack to pursue their tertiary education and career goals.</small></p>	
	<p>'This one-off exception recognises the unprecedented nature of the attacks and the trauma on all victims who were present. Sentencing is an important part of our equity process,' says the Ministry of Equity's Chief Operating Officer, Carl Crafar.</p>	

Why is it then the ACC option was not approved?

	<p>It is appropriate to provide financial support that is similar to that available to those physically injured by the attack and to mentally injured workers to two groups of people who suffer mental harm as a result of the attack but who would not be eligible for ACC cover</p>	<p>Previous Government Did Not Approve</p> 
---	--	--

If exceptions are made then it should be consistently applied across all Ministries.



# 11.00 EX GRATIA PAYMENT OPTION

## 11.1 Accepted Principle

It is an accepted principle that Government agencies have provision for compensation after apologies. Based on the principle of *ki te anga whakamua, me hikoi whakamuri*—look to the past to move forward. Successive Governments have followed up public apologies with financial compensation. The same has been the case for Government agencies. In some cases the compensation amount has doubled year to year. For instance, the NZ Police payment of ex-gratia payments

**HIGH PROFILE APOLOGIES BY STATE AGENCIES**

14 APRIL 2011

**Compensation and apology**

Police apologise and provide compensation after a Police error during court

5 May 2021

to victims or their families more than doubled from \$184,668 in 2013 to \$423,034 in 2014 within one year.<sup>97</sup> The amount of such compensation or ex-gratia payments after apologies, can be very high. For instance, the Ministry of Social Development spent \$80m on compensation claims, with \$30m going to survivors over 12 years.<sup>98</sup>

Crown Law has prepared a guide for Government lawyers, where they have advised that

*“Put simply, ex gratia payments are made when there is a sense that it is the right thing to do. This is not a legal assessment. They can be made proactively or in response to a request for help or money. They are one step a department can make towards ‘putting things right’.”<sup>99</sup>*

It is our contention given that both the NZSIS and NZ Police have publically apologised and that the Royal Commission has highlighted some critical failures in both the agencies<sup>100</sup>, it is important for them to consider “putting things right”. As the Guidelines state “ex gratia payments are made in a multitude of circumstances, and turn on a **variety of moral obligations or goodwill**”<sup>101</sup>

### NZSIS Systemic Failure Pointed Out by the Royal Commission

“...We [Royal Commission] are of the view that there was a systemic failure to recognise that there was a threat of extreme right-wing domestic terrorism that was not understood.”

[Para 64, Chapter 15, Part 8, Royal Commission Report]

**NZ Police Failure On Firearms Licensing System Pointed Out by the Royal Commission** “We [Royal Commission] find that New Zealand Police failed to meet required standards in the administration of the firearms licensing system”

[Para 3, Chapter 7, Part5, Royal Commission Report]

### Ex Gratia Payment Amount

The payment amounts determine the level of delegated authority. Payments up to \$30,000 must have the approval of the Chief Executive, payments between \$30,000 and \$75,000 must have the approval of the Appropriation Minister and payments over \$75,000 must have the approval of Cabinet.

<sup>97</sup> <https://www.rnz.co.nz/news/national/242274/police-mistake-payouts-double-in-year>

<sup>98</sup> <https://www.nzherald.co.nz/nz/abuse-in-care-ministry-of-social-development-spent-80m-on-claims-with-30m-going-to-survivors/WTPFF7MY4EOD4SLRDCH5RZ6H3E/>

<sup>99</sup> [https://www.crownlaw.govt.nz/assets/Uploads/Opinions/Proactive-Release-Ex-Gratia-Payments\\_-\\_A-Guide-for-Government-Lawyers.PDF](https://www.crownlaw.govt.nz/assets/Uploads/Opinions/Proactive-Release-Ex-Gratia-Payments_-_A-Guide-for-Government-Lawyers.PDF)

<sup>100</sup> See earlier Section 2.00

<sup>101</sup> [https://www.crownlaw.govt.nz/assets/Uploads/Opinions/Proactive-Release-Ex-Gratia-Payments\\_-\\_A-Guide-for-Government-Lawyers.PDF](https://www.crownlaw.govt.nz/assets/Uploads/Opinions/Proactive-Release-Ex-Gratia-Payments_-_A-Guide-for-Government-Lawyers.PDF)



# 12.00 SUPPORT FOR BUSINESS

## 12.1 Replicate Post-Christchurch Earthquake

As the Auditor-General stated, soon after the earthquake on 25 February 2011, “the Government’s main concern was to remove uncertainty about jobs and businesses and to help people pay the bills.”<sup>102</sup> By the end of June 2011, the Government had paid a total of \$202 million.<sup>103</sup>



CONTROLLER AND AUDITOR-GENERAL  
Tumuaki o te Mana Arotake

### Part 3: Financial support in Christchurch after the February 2011 earthquake

We are seeking the same facilities for the business-owner victims of the 15 March tragedy . Whilst for many this may be too late, it is nevertheless possible for the Government to provide start-up or business continuity finance. At issue is this would help many to regain their financial independence and also create jobs in the process. Self-help to recover is one of the most efficient ways that the Government can help.

As the Audit Office noted about the benefit :

#### Benefits

A direct benefit of the system was that it provided immediate financial support to people who lost income as a result of the earthquake

<sup>102</sup> <https://oag.parliament.nz/2012/realising-benefits/part3.htm>  
<https://oag.parliament.nz/2012/realising-benefits/part3.htm>



# 13.00 LUMP SUM COMPENSATION: HOW MUCH AND FROM WHERE?

## 13.1 Amount of Compensation

Rational decision-making on compensation payments for such tragedies should be based on needs. AS the Treasury noted after the Christchurch Earthquake, until a thorough needs analysis is completed, it may not be possible to determine the total amount of compensation. Nor will it be possible to determine the respective share for the different categories of claimants – families of the shuhada, bullet wounded, other wounded, witnesses, first responders and so on. This determination should be done by a Ministerial appointed committee, with the DPMC as the lead and members from the various Government agencies and community stakeholders. Christchurch Foundation and Victim Support have considerable experience in these matters and their input should also be included on the distribution formulae.

## 13.2 Unspent Gun Buy-Back Funds: \$29 Million

The March 15 terrorism led to the Government introducing the firearms buy-back-scheme and 2019/20 saw the completion of the scheme. Out of the total of \$150 million appropriated, \$121 million was paid in compensation and the remaining \$29 million returned to the Crown<sup>104</sup>. We request consideration be given for part of the funds be used as ex gratia compensation payments. After all it was the failure to properly administer the firearms licensing, which led the terrorist to acquire the guns for the massacre which took place on 15 March. It is therefore quite appropriate that the surplus funds from the firearms buy-back scheme be used to compensate the victims.

### 13.3 Ex Gratia Payment

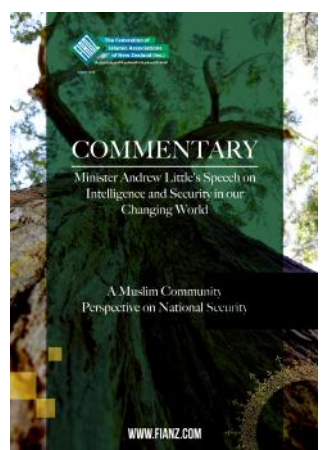
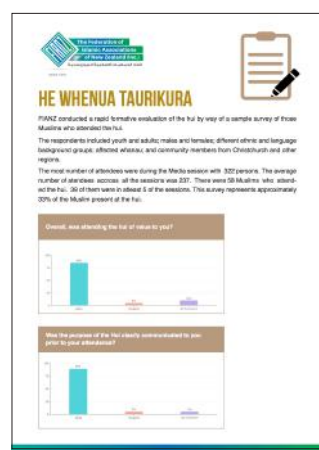
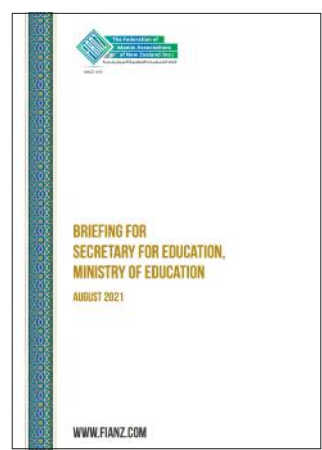
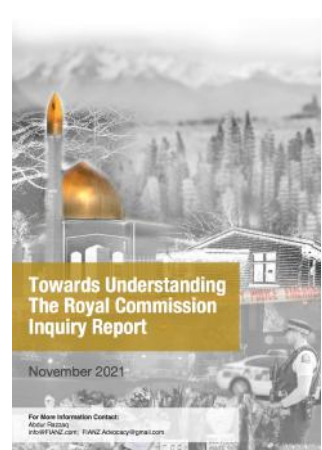
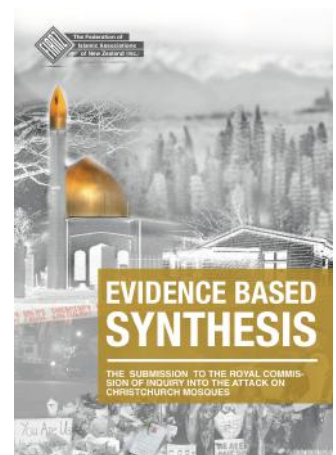
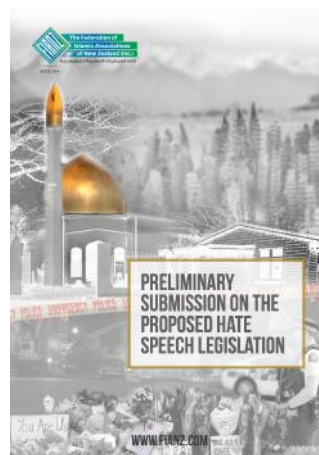
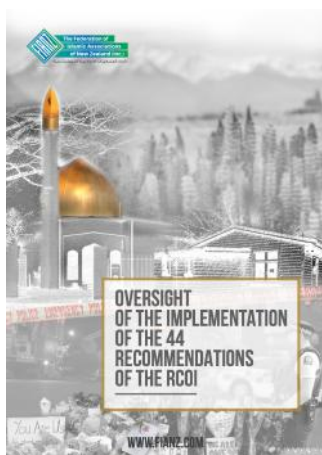
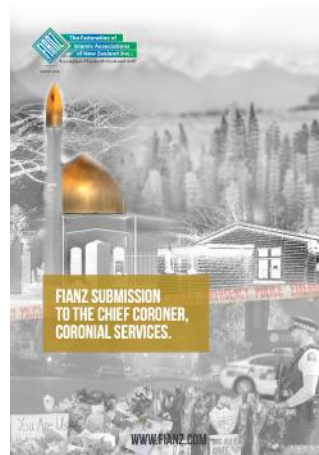
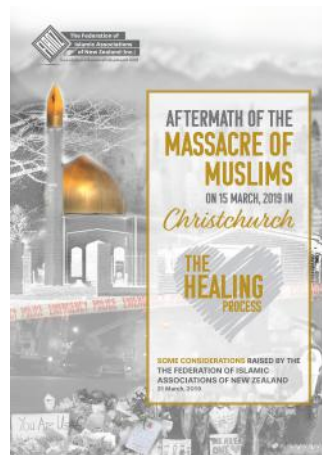
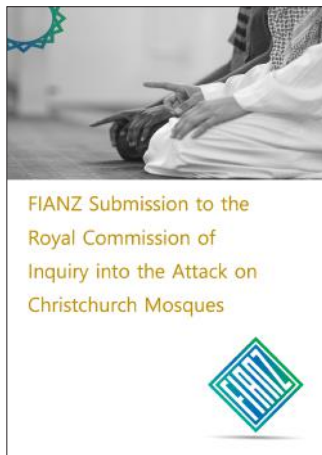
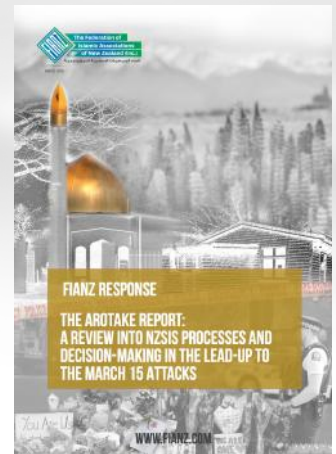
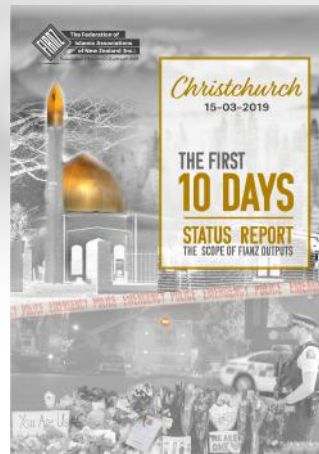
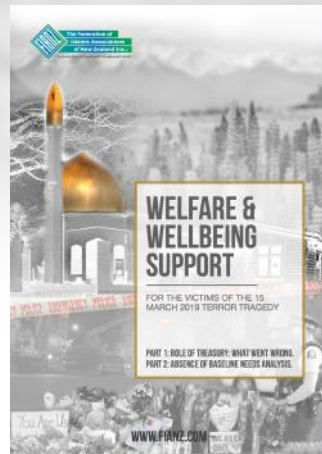
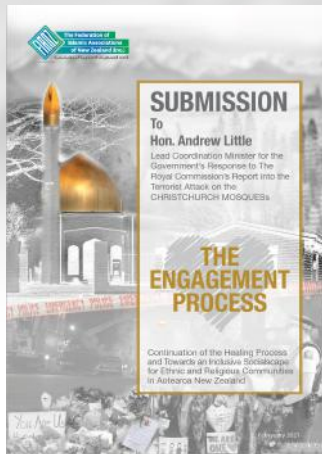
It was the Royal Commission which noted the possibility of Ex Gratia payments but noted that this area did not fit easily with their Terms of Reference. They suggested direct discussion between the victims and the government. On the other hand, the Law Commission noted that “the State may, of course, accept an obligation to take reasonable steps to prevent crime in specific situations, and may then be liable for a failure to take those steps.”<sup>108</sup> In this respect it is importance to relate the systemic failure of counter-terrorism effort by the State which were pointed out by the Royal Commission:

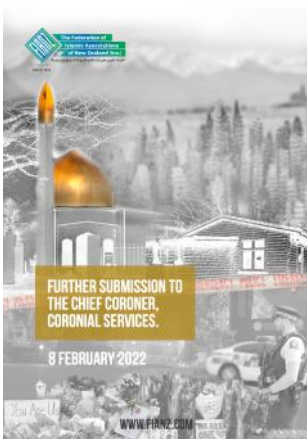
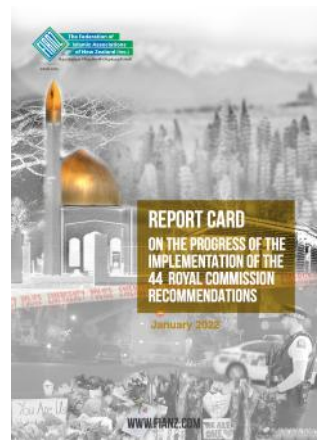
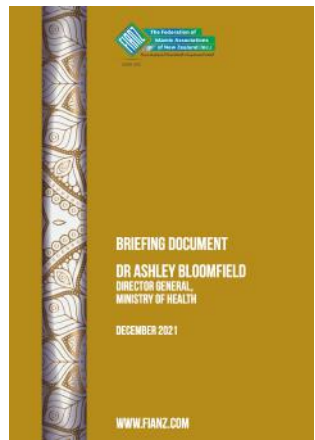
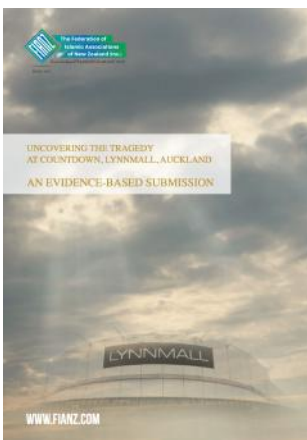
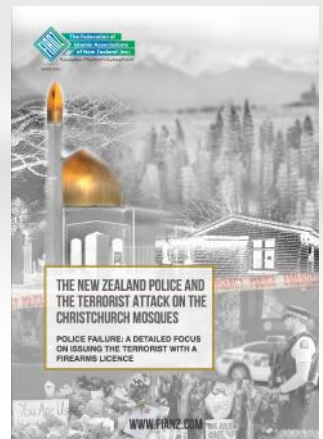
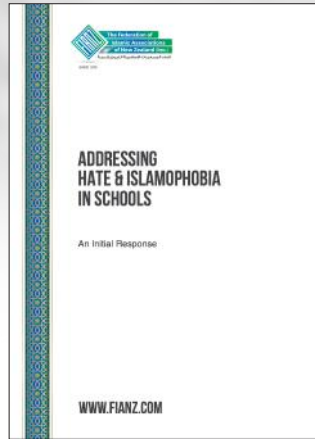
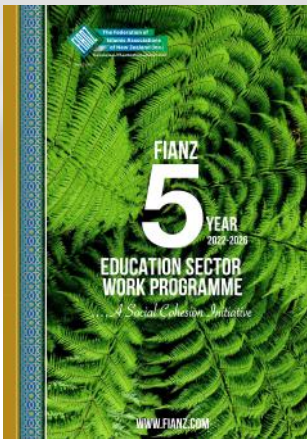
“The following factors contributed to this systemic failure of the counter-terrorism effort:

1. The limited resources in the overall counter-terrorism effort.
2. The focus of the National Assessments Bureau and the Combined Threat Assessment Group.
3. The New Zealand Security Intelligence Service not highlighting with the Security and Intelligence Board and Counter-Terrorism Coordination Committee the risk implications of its operational strategy (in particular, the timing of the growth of capability and capacity, and deferral of the baselining project until sufficient resources were available).
4. The members of the Security and Intelligence Board and Counter-Terrorism Coordination Committee not exploring what was implicit in what they had been told (and not told) – that the right-wing extremist threat was not well understood.
5. New Zealand Police not highlighting with the Security and Intelligence Board and Counter-Terrorism Coordination Committee that their intelligence function had been run down, they were no longer producing assessments on the extreme right-wing and strategic assessments on domestic extremism, and the residual risk this carried.
6. The reality that the system did not force or at least encourage Public sector agencies to discuss their individual strategies and any residual risk they were carrying and thus identify gaps in the system.”

<sup>108</sup> <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R121.pdf>

# MORE FIANZ REPORTS AND SUBMISSIONS RELATED TO THE 15 MARCH TERROR TRAGEDY







**The Federation of  
Islamic Associations  
of New Zealand (Inc.)**

اتحاد الجمعيات الإسلامية النيوزيلندية

SINCE 1979

T. +64 4 387 8023 | F. +64 4 387 8024  
info@fianz.com | www.fianz.com

7-11, Queens Drive, Kilbirnie, P.O.Box 14155,  
Wellington 6241, New Zealand