



NEW ZEALAND
CUSTOMS SERVICE
TE MANA ĀRAI O AOTEAROA

WELLINGTON

The Customhouse, 1 Hinemoa Street, Wellington
PO Box 2218, Wellington 6140
Phone: 04 901 4500 Fax: 04 901 4555 All general enquiries phone: 0800 428 786
Email: feedback@customs.govt.nz Website: www.customs.govt.nz

PROTECTING NEW ZEALAND'S BORDER

11 November 2019

Ref: OIA 19-239

Mahrukh Sarwar

By email: fyi-request-11218-8127a782@requests.fyi.org.nz

Dear Mahrukh Sarwar

Request for information under the Official Information Act

Thank you for your email dated 13 September 2019 to the New Zealand Customs Service (Customs) via the FYI website, comprising of sixteen questions for information under the Official Information Act 1982 (the Act), with regard to the Royal Commission of Inquiry into the Attacks on Christchurch Mosques on 15 March 2019.

You have specified that your request for information covers the following time periods:

- Period A: October 2017 – present;*
- Period B: November 2008 – October 2017;*
- Period C: December 1999 – November 2008; and*
- Period D: November 1990 – November 1999.*

Please find attached Customs response which covers all four time periods. Also attached is an Annex which displays Customs' responses and decisions made under the Act in relation to each of your 16 questions, in tabular format.

Customs welcomes the Royal Commission of Inquiry into the Attacks on Christchurch Mosques, and is working cooperatively with it.

Some information which was created for the Royal Commission falls within the scope of your request, however under section 15(1)(a) of the Inquiries Act 2013, the Royal Commission has issued orders prohibiting publication of, or public access to any evidence or submissions to the Inquiry. With respect to this information, Customs believes there are good reasons to withhold release in accordance with section 6(c) of the Act, as making available the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

You have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the Act, to seek an investigation and review of the decision conveyed in this letter.

If you have any queries about this response, please contact the Correspondence, Reviews and Ministerial Servicing team at OIA@customs.govt.nz .

Yours sincerely



Michael Papesch
Group Manager, Policy Legal and Governance

Annex: OIA 19-239 Mahrukh Sarwar

	Information requested	Response
1	<p><i>Copies of Customs documents, correspondences and addresses (including but not limited to emails, letters, presentations), for periods A, B, C and D, referring to any of the following terms:</i></p> <p><i>a) Arab / Muslim / Islam / Islamist / Islamicist / Jihadist /</i></p> <p><i>b) Terrorists / Extremists / Radical / Far-right / White supremacy</i></p>	<ul style="list-style-type: none"> • Despite breaking down the period of time into four separate groups, Customs believes that a significant collation and research effort would be required to gather information within scope. • Therefore, we are refusing this part of your request in accordance with section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.
2	<p><i>What professional cultural advice or training or resources has Customs requested or received on Islam or Muslims for periods A, B, C and D?</i></p>	<ul style="list-style-type: none"> • There are no records of Customs requesting or receiving professional cultural advice, training, or resources on Islam or Muslims for periods A, B, C and D. Therefore this part of your request is refused under section 18(e) of the Act, as the information does not exist, or cannot be found. • After the attacks on 15 March 2019, a Muslim Customs Technical Specialist officer attended Christchurch to support our team facilitating the repatriation of the deceased to their loved ones overseas. The officer provided cultural and religious advice to the team on the appropriate protocols throughout the repatriation process. • Customs' internal Operational Procedure documents provide guidance for our officers on various interactions that require cultural awareness. For your information, we attach excerpts detailing various protocols contained in the following Operational Procedure documents: <ul style="list-style-type: none"> ○ OPS PRO 030 – <i>Recognised and Spontaneous Refugees</i>, detailing the operational procedure in processing entries of Recognised Refugees (Immigration New Zealand Refugee Quota) and Spontaneous Refugees (Refugee Status Claimants) ○ OPS PRO 038 – <i>Searching of People</i>, detailing the manner in which personal searches are undertaken in accordance with section 210 and 211 of the Customs and Excise Act 2018 ○ PO POL 02 – International Gift Exchange Policy, which contains a section titled <i>Appropriate Gifts and Gift Wrapping</i>.

	Information requested	Response
3	<p><i>Who is Custom's on-hand cultural advisor/negotiator/facilitator for:</i></p> <p>a) <i>On-going strategy</i></p> <p>b) <i>Emergency Situations</i></p>	<ul style="list-style-type: none"> • Customs does not have an on-hand cultural advisor, negotiator or facilitator fulfilling the broad role of supporting Customs' on-going strategy. • Customs does not have an on-hand cultural advisor, negotiator or facilitator fulfilling the broad role of advising, negotiating or facilitating emergency situations for Customs. In the context of your request, the New Zealand Police would likely be the lead agency when responding to these situations, such as a terrorist event within New Zealand.
4	<p><i>Do all of your staff receive comprehensive cultural intelligence and full competency training and review?</i></p>	<ul style="list-style-type: none"> • Customs does not provide comprehensive cultural intelligence training to all of its staff, however we provide some role-specific intercultural awareness training as part of induction training, such as the Intercultural Awareness Induction Module for Customs Officers, which was designed to enable participants to develop more awareness of their own cultural characteristics and that of others, so that they can communicate more effectively across cultural boundaries. We provide full competency training for our Customs Officers to be able to carry out their role effectively. • Additionally, we offer Unconscious Knowledge and Bias training to all managers and staff, and inclusive leadership is a component of our leadership development programmes.
5	<p><i>What proven intelligence principles is your work based on?</i></p>	<ul style="list-style-type: none"> • Customs is an intelligence-led organisation which applies a risk management approach across all border risk. We use a wide range of analytical techniques for intelligence analysis undertaken in accordance with the intelligence cycle and based on global best practice. • We are withholding the release of information pertaining to Customs' proven intelligence principles as making available that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
6	<p><i>What contact did Customs have with Mr Tarrant?</i></p>	<ul style="list-style-type: none"> • The individual mentioned in your request is currently subject to an ongoing investigation and court process. Therefore, Customs is withholding information in relation to any contact Customs may have had with the individual under section 6(c) of the Act, as making available that information would be likely to prejudice the maintenance of the law,

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		including the prevention, investigation and detection of offences, and the right to a fair trial.
7	<i>What policies did Customs have in respect of extremism?</i>	<ul style="list-style-type: none"> • As part of New Zealand’s commitment to international counter-terrorism initiatives following the terrorist attacks on 11 September 2001, Customs established a dedicated Counter Terrorism team in April 2002, in adherence to the United Nations Security Council Resolution 1373. Customs’ Counter Terrorism team operates in line with the global NATO strategy disrupting the supply routes and commercial activities of terrorist groups. • Customs does not target or profile passengers based on race or religion, and all travellers are risk assessed in accordance with international protocols. We use a range of tools (such as intelligence holdings) and techniques to do this both in advance of departure and arrival, in real time. • Customs does not maintain specific policies relating to particular classes of extremism described in your request as being “far-right” and “religious”, but operate across all types of extremism. As such, these parts of your request are refused under section 18(e) of the Act, as the information does not exist.
8	<i>What policies does Customs have in respect of far-right extremism?</i>	
9	<i>What other forms of religious extremism do customs have a screening policy and strategy for?</i>	
10	<i>How many white extremists have Customs stopped at their borders over the periods A, B, C and D?</i>	<ul style="list-style-type: none"> • Customs is withholding the number of passengers stopped by Customs at the border described in your request as “white extremists” or “sympathisers with Serb-nationalism or Bosnian Genocide” for the periods A, B, C and D, in accordance with section 6(c) of the Act, as making available that information would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial. • Customs considers in this case, releasing the requested information would be likely to prejudice Customs’ ability to carry out operational activities effectively at the border, and reveal information about Customs’ investigative techniques.
11	<i>How many people have Customs stopped or picked up as sympathisers with Serb-nationalism or Bosnian Genocide?</i>	
12	<i>How many experts on the Muslim Community or faith have you engaged or</i>	<ul style="list-style-type: none"> • Over the periods A and B, Customs, along with a number of other government agencies, has been involved in dialogue with representatives of Muslim communities organised by the Human Rights Foundation. For Customs, this dialogue has been an opportunity to

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	<p><i>consulted over the periods A, B, C and D?</i></p>	<p>explain the role of Customs at the border, as a number of individuals have complained that they feel they have been disproportionately interacted with by Customs on arrival or departure from New Zealand, principally because they are Muslim. At these meetings, concerns about safety and security have also been raised.</p> <ul style="list-style-type: none"> • During Customs' Diversity and Inclusion Council meeting on 23 March 2016, a Diversity and Inclusion Policy Analyst from the Office of Ethnic Communities gave a presentation on engaging with and understanding New Zealand's ethnic communities using a case study of Muslim communities. The purpose of this presentation was to stimulate diversity of thought amongst members of the Council. • During July and October 2018, Customs' Manager Investigations and Manager Auckland Airport Passenger Operations attended two public forums held at Auckland mosques with the support of The Federation of Islamic Associations of New Zealand: <ul style="list-style-type: none"> ○ In July 2018, Customs attended a multi-agency session held at the Avondale Islamic Centre, Auckland and delivered a presentation on Airport Arrivals. ○ In October 2018, a border-specific session was held at the West Auckland Mosque in Ranui, Auckland which involved Customs, the Ministry for Primary Industries and the Office of Film and Literature Classification. Customs' Manager Airport Passenger Operations and the Manager Investigations attended to deliver a presentation on Airport Arrivals. • The Airport Arrivals PowerPoint presentation delivered during the two sessions is attached for your information.
13	<p><i>How many experts on far-right extremism have you engaged or consulted over the periods A, B, C and D?</i></p>	<ul style="list-style-type: none"> • Customs engages with a variety of experts and practitioners from other agencies and academia to ensure we maintain knowledge about right-wing risks. • Customs' records do not record down to the level of specificity to be able provide you with the number of experts that we have engaged in, over the four periods A, B, C and D. However, we can advise that engagement has primarily occurred during period A, as this risk has developed. It has included consultation with the Border Five Heads of

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		<p>Intelligence group and the Targeting Working Group as well as the World Customs Organisation – all of which have subject matter experts.</p> <ul style="list-style-type: none"> • During Period B, key members of Customs' Counter Terrorism team attended studies at the Asia-Pacific Centre for Security Studies in Hawaii and the Victoria University of Wellington's School of Government. These courses included references to right-wing issues and provided attendees with exposure to experts in those issues.
14	<p><i>How many experts on other ethnic or religious nationalism or extremism have you engaged or consulted over the periods A, B, C and D?</i></p>	<ul style="list-style-type: none"> • Customs' records do not record down to the level of specificity to be able provide you with the number of experts that we have engaged in, over the four periods A, B, C and D. However, we can advise that during periods A and B, Customs has had ongoing engagement with experts on other ethnic or religious nationalism or extremism. This includes involvement in annual events for government agencies where expert speakers present, attendance on relevant academic courses, ongoing engagement with partner agencies who put up expert speakers, and the ongoing contribution and involvement in a regular Counter Terrorism commentary that reaches out to an audience that includes academics to maintain currency with current trends and thinking. • For periods C and D, information regarding Customs' engagement or consultation with experts on other ethnic or religious nationalism or extremism does not exist. Therefore, this part of your request is refused in accordance with section 18(e) of the Act.
15	<p><i>What is the ethnic cultural composition over the periods A, B, C and D of your</i></p> <p><i>a) senior management</i></p> <p><i>b) senior operational staff</i></p>	<ul style="list-style-type: none"> • Please refer to the attached spreadsheet titled 'Cultural composition of Customs' senior management and senior operational staff', which displays a breakdown of senior managers and senior operational staff employed by Customs for the periods A, B, and C. • Despite reasonable attempts to locate it, Customs' ethnic cultural composition data for period D is not available. Therefore, we are refusing this part of the request in accordance with section 18(e) of the Act, as the information does not exist, or cannot be found.

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16	<p><i>What diverse perspectives have been embraced and resulted in reform of organisational culture that promotes diverse experiences and perspectives?</i></p>	<ul style="list-style-type: none"> • Customs has had an Inclusion and Diversity strategy in place since 2014, which was refreshed earlier this year. Our vision is that Customs is inclusive and diverse, and every voice is valued and respected. We reflect the community we serve, and together we protect and promote New Zealand across borders. • The delivery of Customs' strategy is led by our Inclusion and Diversity Council which comprises of people with diverse experiences and perspectives, and sources of new ideas. To enhance our frontline capabilities, we continue to focus on recruiting diversely at all levels, from a wide range of ethnicities and from those with diverse backgrounds, experiences and skill-sets. • Customs is committed to ensuring that everyone has equal opportunities for recruitment, development, and promotion regardless of differences such as ethnicity, age, gender, gender identity, sexual orientation, disability, or family status. We value the differences that our staff bring to our workforce. • We have established network groups for staff, including our Māori network, Pasifika Network, Rainbow Network, a joint Customs-Ministry for Primary Industries Asian Network, and Women's networks at our ports around New Zealand. These networks support staff as well as provide opportunities for staff to share their cultural heritage, language and diverse perspectives. • In our 2018 staff engagement survey we included a question on diversity, and 61 percent of staff agreed or strongly agreed with the statement that Customs has a positive and inclusive culture that supports the diversity of our workplace. This question will be repeated in future surveys so that we can track our staff's views. A recent Diversity and Inclusion Survey collected staff feedback on how diversity and inclusion is progressing at Customs. Feedback from this help shape our refreshed strategy.