

IN THE CORONERS COURT  
AT CHRISTCHURCH  
(IN-CHAMBERS)

CSU-2019-CCH-000165 to  
CSU-2019-CCH 000214;  
CSU-2019-CCH-000326

I TE KŌTI KAITIROTIRO MATEWHAWHATI  
KI TE ŌTAUTAHI  
[I TE TARI]

UNDER

THE CORONERS ACT 2006

AND

IN THE MATTER OF

Inquiries into the deaths of 51  
people in relation to the 15 March  
2019 Christchurch Masjid Attacks

Date of Minute: 10 March 2022

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MINUTE OF CORONER B WINDLEY AS TO  
THE PROCEDURE FOR ACCESSING AND VIEWING  
THE MANIFESTO DOCUMENT AND VIDEO FOOTAGE

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**Background**

- [1] The purpose of this minute is to set out the procedure for Interested Parties who are seeking to view:
- (a) *The Great Replacement*, also known as *The Great Replacement Manifesto* (**the Manifesto**); or
  - (b) Video footage held by Police, including video recorded by Mr Tarrant and CCTV footage from within Masjid An-Nur (collectively **the Footage**). A portion of Mr Tarrant's video was livestreamed on Facebook (**the Livestream**).<sup>1</sup>
- [2] The Manifesto and the Livestream were classified as objectionable<sup>2</sup> publications under the Films, Videos, and Publications Classification Act 1993 (FVPC Act) on 23 March 2019. Section 131 of the FVPC Act makes it an offence for a

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<sup>1</sup> The CCTV footage has been securely held by the police and was never publicly available, hence it has not been classified by the Chief Censor.

<sup>2</sup> As defined in s 3.

person (other than those listed in subsection (4)) to possess an objectionable publication without lawful excuse.

#### **Section 44 FVPC Act exemption terms**

- [3] Family members of those who have died as a result of the 15 March 2019 attacks have previously indicated a desire to view the Manifesto and/or the Footage. Efforts to identify a way to appropriately accommodate these requests have been in train since late 2021.
- [4] The FVPC Act, by way of s 44, recognises the need for exemptions to allow access to otherwise objectionable publications if the Classification Office is satisfied that the publication should be made available to a limited class of persons or to a particular person for educational, professional, scientific, literary, artistic, or technical purposes.
- [5] On 8 December 2021 I sought an exemption, pursuant to s 44, from the Classification Office to allow me, counsel assisting me, any appointed standby counsel, those with status as Interested Parties in the coronial inquiry, their counsel and appropriate support people, to access and view the Manifesto where:
- (a) I determined it to be necessary for the purposes of the coronial inquiry; and
  - (b) subject to the following conditions:
    - i. access is provided by making the Manifesto available for viewing in a supervised and supported environment;
    - ii. the Interested Party/counsel is to advise the Coroner what support it is proposed the Interested Party has readily available, with additional support available through Victim Support specialists;
    - iii. Possession and control of the Manifesto may be given to counsel for the Interested Party in hard copy for the sole purpose of viewing and on the condition that no copy of it or any part of it is to be made. The complete Manifesto must be returned to Police at the conclusion of the viewing;
    - iv. All reasonable steps will be taken to ensure that any viewing is arranged and conducted in a humane and supportive manner.
- [6] At the same time, I also sought an exemption to allow me, counsel assisting me, appointed standby counsel, those with status as Interested Parties in the coronial inquiry, their counsel and appropriate support people, to access and view the Livestream where:
- (a) I determined it to be necessary for the purposes of the coronial inquiry; and
  - (b) subject to the following conditions:

- i. access is provided through viewings that occur in a supervised and supported environment;
  - ii. Possession and control of the Livestream remain at all time with the Police;
  - iii. All reasonable steps will be taken to ensure that any viewing is arranged and conducted in a humane and supportive manner.
- [7] On 24 December 2021 the Chief Censor granted the exemption for the Manifesto and the Livestream on the above conditions.
- [8] While the exemption does not cover any material that has not been published, any request to view the Footage will be subject to the same procedure and considerations as the Livestream.
- [9] I am conscious that affording access to the Manifesto or the Footage is not a matter to be undertaken lightly. The need for Interested Parties and counsel to be adequately informed and be able to effectively participate in the coronial inquiry must be carefully balanced against the inherent risk of causing harm these publications have been determined to possess. Mere curiosity will not suffice to permit access, I must be satisfied that viewing the Manifesto or the Footage is necessary for the purposes of the coronial inquiry.
- [10] In making an application to view the Footage applicants are asked, where possible, to frame their request with some specificity as to the extent of content or portion(s) of the Footage sought to be viewed. I am mindful of the privacy interests of all of those who feature in the Footage and the limits of being able to conceal other people shown in the Footage. More generally, to the extent it is possible and feasible to limit exposure to the content, the extent of the permitted viewing should meet the specific need reflected in application and no more. That does not preclude a request to view the Footage in full if that is what the applicant considers to be necessary for the purposes of the inquiry, but the need for that extent of viewing would have to be clearly articulated.

**Procedure to be followed for viewing the Manifesto**

- [11] Interested Parties, or their counsel, who wish to view the Manifesto may make written application to do so. The application must set out the following and be sent by e-mail to coronial.response@justice.govt.nz:
  - (a) reason(s) for which access to the Manifesto is sought;
  - (b) what support the applicant has available, and whether any additional support is required; and
  - (c) if counsel seeks to have physical possession and control of a hardcopy of the Manifesto, they must:
    - i. set out where the Manifesto hardcopy will be stored and viewed;
    - ii. undertake that the conditions set out at [5](b)(iii) will be met; and

- iii. undertake to inform my office when they have received the Manifesto from Police, and when the Manifesto has been returned to Police.

[12] Should access be granted, it will be strictly subject to the following terms:

- (a) The hardcopy of the Manifesto may be viewed at a time and location to be arranged with Police and under Police supervision;
- (b) No copy of any part of the Manifesto is to be made and the hardcopy is to be returned to Police in full at the conclusion of the viewing;
- (c) The above conditions do not apply to counsel who have been granted temporary possession and control of a hardcopy of the Manifesto as set out at [5](b)(iii) above. Where counsel has been granted temporary possession and control of a hardcopy of the Manifesto:
  - i. Counsel are to arrange access to a copy of the Manifesto with Police and are to return it to Police at the conclusion of this inquiry (or sooner if no longer required). Counsel are to advise my office of the date on which a hardcopy of the Manifesto has been received from Police and the date upon which it has been returned to Police;
  - ii. No copy of any part of the Manifesto is to be made and either provided to any client(s) to keep in their possession, or kept as part of client files at the conclusion of this inquiry;
  - iii. Counsel are at all times required to keep the hardcopy of the Manifesto physically secure and subject to robust access controls.
- (d) Interested Parties, or their counsel, will be responsible for assessing the need for and implementing appropriate support to mitigate the impact of the viewing the Manifesto. Additional support may be available through Victim Support specialists upon request.

[13] I remind all Interested Parties that the Manifesto remains an objectionable publication. To the extent Interested Parties may seek to include extracts from the Manifesto in their written submissions, that content must be redacted from any copies distributed to other Interested Parties.

#### **Procedure to be followed for viewing the Footage**

[14] Interested Parties, or their counsel, who wish to view the Footage may make written application to do so. The application must set out the following and be sent by e-mail to coronial.response@justice.govt.nz:

- (a) if possible, the specific content or portions of the Footage the applicant wishes to view;
- (b) reason(s) for which access to the Footage is sought; and
- (c) what support the applicant has available, and whether any additional support is required.

[15] Should access be granted, it will be strictly subject to the following terms:

- (a) The Footage may be viewed at a time and location to be arranged with Police and under Police supervision;
- (b) No recording of any part of the Footage is to be made;
- (c) Interested Parties, or their counsel, will be responsible for assessing the need for and implementing appropriate support to mitigate the impact of the viewing the Manifesto. Additional support may be available through Victim Support specialists upon request.

[16] Some Interested Parties, or their counsel, have already made requests to view the Footage, either by email or within written submissions. For the avoidance of doubt, those Interested Parties or their counsel should now file a written application in accordance with paragraph [14] above. This is to ensure that all applications to view the Footage are dealt with consistently and in line with the matters considered by the Chief Censor, that are now reflected within the exemptions granted.



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**CORONER B WINDLEY**