

Regina v Tarrant - costs

30 October 2020

Overview

The scale of the attacks at two Christchurch mosques on 15 March 2019 had never been dealt with before in our justice system.

The defendant, Brenton Tarrant, was charged with 51 murders, 40 attempted murders, and engaging in a terrorist act under the Terrorism Suppression Act 2002 – the first time in our country that a charge had been laid under this law.

On 14 June 2019, the defendant entered not guilty pleas to the charges.

On 26 March 2020 he changed his pleas to guilty.

The four-day sentencing hearing began in the Christchurch High Court (the Court) on 24 August 2020 under COVID-19 Alert Level 2 restrictions.

On 27 August 2020, the offender was sentenced to life imprisonment without the possibility of parole for each of the 51 murders. He was also sentenced to concurrent terms of 12 years imprisonment on the 40 charges of attempted murder and life imprisonment on the charge of engaging in a terrorist act.

The Court has released a set of publicly available minutes outlining the progression of the case, including the effect of COVID-19 restrictions on court processes. You can read the full set of minutes and sentencing decision on the Courts of New Zealand website:

[Minutes of Mander J regarding R v Tarrant](#)

[Sentencing decision of Mander J regarding R v Tarrant](#)

The role of the Ministry of Justice

Our justice system and victim support agencies had never managed a case of this scale with the number of serious criminal charges and victims. There are 300 direct victims, as well as immediate family members of shahid/deceased victims, from a diverse range of socioeconomic, cultural and ethnic backgrounds across New Zealand and 23 other countries.

Victims of crime in New Zealand have rights under the Victims' Rights Act 2002. These rights are set out in the [Victims Code](#). All organisations that provide services to victims of crime aim to meet the standards set out in the Victims Code.

Access to justice is a key principle in New Zealand's judicial system. As a Government Department, the Ministry has a statutory responsibility to support, advise and provide information to victims going through the court process. This includes providing information in ways that are culturally responsive. The Ministry worked with Police, Corrections and Crown Law to make sure victims felt safe and supported to take part in the court process.

While the Courts are a separate and independent branch of government, under our constitutional arrangements they depend on the Ministry of Justice for operational and technical support.

The Ministry set up a team of experienced Court Victim Advisors to work directly with victims. Their role included providing information about how our court system works. This was as well as frontline support to victims provided by Police Family Liaison Officers and Victim Support workers.

The sentencing attracted a significant level of national and international media attention. The Judiciary’s media and communications unit was responsible for providing media access to the hearing while ensuring court requirements continued to be met. During the hearing, 37 accredited media were present on any one day and virtual meeting room access was provided to 30 accredited members of the media in New Zealand and overseas.

Costs – general overview

The Ministry does not usually record costs relating to individual cases and courtrooms. Most court-based services (for example, court security) are provided and financially recorded on a national basis, with resources placed wherever they’re needed.

Due to the scale of this case, the Ministry put processes in place to track additional related costs.

The defendant initially pleaded not guilty to the charges and, at that time, the Ministry invested in significant resources preparing for what was expected to be a six-week trial. The Ministry also supported the Court for nine call overs and pre-trial events, in addition to the guilty plea that needed substantial investment in security, property and technology, as well as working with the victims and their families/whānau.

The COVID-19 environment had a major effect on court technology and interpreter support needs. Some victims could not attend the hearing in person because of flight restrictions and the closure of New Zealand’s border. Live streaming technology and interpreter needs were not included in the original estimated costs, but became essential to enable victims to access, and participate in, the court process.

These arrangements were in addition to the normal provision of support and help to victims of crime, including contracted funding for Victim Support, and payment of financial grants to victims of serious crime.

[Extension to Victim Assistance Scheme to support victims of Christchurch Mosque Attacks](#)

Grants provided to the victims through the Victim Assistance Scheme included:

VAS Grant	Eligibility
Homicide Discretionary Grant	A grant of up to \$5,000 is available for the immediate family of each deceased person
Trauma counselling	Up to 30 counselling sessions per person are available for families, friends, witnesses and people first on the scene after a homicide. Up to \$170 is available per session.
High Court attendance	Up to 5 adult family members of each deceased can be paid a daily allowance when they attend a High Court hearing. The allowance was \$124 per day/\$62 half day per attendee.
Expenses for attending court and other hearings	Up to 6 travellers per deceased person; and Each victim present at the attacks and 1 support person could receive help with the costs of travel and accommodation. \$5,000 or \$3000 based on origin per traveller per hearing/fixture.
Online attendance - data	\$75 per household for victims who could not attend the sentencing court event and were participating via livestream to assist with data

Legal Costs

On 13 July 2020, the Court granted the defendant's application to represent himself, meaning his lawyer no longer represented him from that date. Any person has the right to represent themselves in court.

[Minute of Justice Mander outlining the defendant's election to represent himself](#)

Legal aid was available to the defendant until he decided he would be self-represented. The costs for legal aid were \$211,604.

When a person represents themselves, the court can appoint a lawyer to help the defendant with their case (called 'standby counsel'). The judge directed standby counsel be appointed for this case. Standby counsel is to help the defendant to the extent they are willing to accept it, and to be ready to take on the role of defence counsel if the defendant so decides.

The costs of standby counsel (senior and junior counsel) were \$38,447.

The Court also appointed an amicus curiae (friend of the court). An amicus curiae is different to standby counsel because they do not represent either the defence or the prosecution, but are there to help the court by offering information and submissions about a particular area of law, or by putting forward legal arguments on behalf of an unrepresented party. The costs of amicus curiae, which are court-ordered costs, were \$34,409.

Four psychological or psychiatric reports were prepared during the various stages of the proceedings. These were court ordered costs and amounted to \$38,417.

Technology costs

One of the Ministry's key focus areas for this case was arranging appropriate remote court technology so that people who were overseas and unable to travel could still watch the sentencing hearing and read Victim Impact Statements to the Court. This also meant overseas media could observe the Court hearing. The sentencing was ultimately live streamed to 26 countries around the world.

This option was also offered to victims in New Zealand who couldn't attend in person because of their personal situation, or because of the COVID-19 Alert Level restrictions on the Court's seating capacity limited the number of victims who could attend in person.

For some overseas victims, immigration exemptions meant they could travel to New Zealand to be physically present at the Court. For those who couldn't attend in person, the remote technology and interpreter support measures put in place ensured victims had access to justice, whether in Aotearoa New Zealand or overseas.

Technology solutions allowed experienced interpreters to translate the hearing into eight languages at the time of the hearing. These translations were available to both those at the Court and watching the live stream from other locations.

Interpreters for 12 languages were also available in person outside the courtrooms alongside victim support workers. The value of this interpersonal connection with victims in their first language in such difficult and emotional circumstances cannot be underestimated.

Travel/Ministry resource costs

The Ministry ensured key roles were adequately resourced and provided support to its team in Christchurch before and during the sentencing hearing. This resulted in accommodation, travel costs and other costs, including hiring additional staff.

The Ministry also arranged training for staff at Wellington National Office and in Christchurch, including training in cultural awareness, wellbeing and court security.

Costs table

See the table below for a breakdown of the costs to the Ministry in preparation for, and during the sentencing.

Regina v Tarrant - Ministry Costs¹	2019-20	2020-21	Total
Computer and Telecommunications (including live streaming)	\$39,640	\$450,706	\$490,347
Miscellaneous Expenses	\$7,313	\$14,858	\$22,171
Printing and Stationery and Postage	\$134	\$9,320	\$9,453
Interpreter Services	\$13,172	\$173,194	\$186,366 ²
Other Specialist Services (Operations Support Group \$583,086, Programme Manager \$192,660, Counsel to Assist Victims \$89,207)	\$725,993	\$314,394	\$1,040,387
Travel and Meetings and Accommodation	\$124,212	\$132,551	\$256,762
Short Term Hire & Office Equipment (Equipment Hire for interpreter booths and additional costs for live streaming)		\$377,610	\$377,610
Total Ministry Costs	\$910,464	\$1,472,633	\$2,383,096
Legal Aid Costs			\$211,604
Amicus Curiae			\$34,409
Standby Counsel			\$38,447
Psychological and Psychiatric Reports			\$38,417

¹ Unless otherwise noted, all costs are as at 30 September 2020 but may be subject to change.

² Estimated final costs as a number of invoices are yet to be received and processed.

Timeline of events

March 2019

- 15 March: Offences committed.
- 16 March: First appearance in the Christchurch District Court. Defendant charged with one count of murder. Duty lawyer appointed for purposes of this hearing. Defendant appeared in person for this hearing. Defence lawyers later instructed.

April 2019

- 5 April: First appearance in Christchurch High Court. Additional charges filed for murder and attempted murder. Defendant appeared by Audio Visual Link (AVL). (The final charges pursued by the Crown were 51 charges of murder, 40 charges of attempted murder and one charge of committing a terrorist act, to which the defendant pleaded guilty on 26 March 2020.)

June 2019

- 14 June: Defendant entered not guilty pleas by AVL.
- Trial date set and expected to last about six weeks.

August 2019

- 15 August: Pre-trial hearing in Christchurch High Court, with the defendant appearing by AVL.

September 2019

- Trial date moved by the Court to 2 June 2020 to respect Ramadan (holy month of fasting, prayer, reflection and community observed by people of Muslim faith).

October 2019

- 3 October: Pre-trial hearing in Christchurch High Court, with the defendant appearing by AVL.

December 2019

- 10 December: Pre-trial hearing in Christchurch High Court, with the defendant appearing by AVL.

February 2020

- 24 February: Pre-trial hearing in Christchurch High Court, the defendant was excused from appearing.

March 2020

- 26 March: Defendant entered guilty pleas in Christchurch High Court by AVL. Trial date cancelled.

June 2020

- The Ministry worked with the Court and other agencies to provide ways for victims and support people to either attend or watch the sentencing hearing under COVID-19 border restrictions. This was completed at the presiding judge's request before setting a hearing date for sentencing. This was to ensure that those victims and support people who wanted to attend or watch the sentencing hearing could do so.

July 2020

- 2 July: Date set for sentencing hearing.
- 10 July: Cabinet agreed to allow victims intending to travel to New Zealand from overseas for the sentencing hearing to apply for a border exemption under humanitarian grounds.
- 13 July: Call over hearing at Christchurch High Court, with defendant appearing by AVL. Defence counsel granted leave to withdraw. Defendant allowed to represent himself at sentencing. Sentencing hearing date of 24 August 2020 confirmed.
- Standby counsel appointed by the Court to help the defendant to the extent the defendant agreed to accept this. Amicus curiae appointed to help the Court.

August 2020

- 24-27 August: Sentencing hearing held at Christchurch High Court. Defendant sentenced to life imprisonment without parole on 51 charges of murder; concurrent terms of 12 years imprisonment on 40 charges of attempted murder; and life imprisonment on a charge of committing a terrorist act.