



25 August 2023

## Procedural Minute 1: Information Gathering and Meetings procedure

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### Introduction

1. The Government Inquiry into the Response to the North Island Weather Events (**Inquiry**) was established on 6 July 2023 pursuant to the Inquiries Act 2012 (**the Act**).
2. The purpose of the Inquiry is to ensure the design of New Zealand's emergency management system is appropriate to support readiness for, and responses to, future emergency events by identifying lessons from the severe weather events that impacted the North Island in January and February 2023.
3. In particular, the Inquiry will look into whether:
  - (a) the readiness and response activities to the North Island weather events operated as needed;
  - (b) the current design of the emergency management system enabled central and local government and other organisations to respond as expected;
  - (c) the system improvements underway, including proposed changes in the Emergency Management Bill, will be sufficient to address the challenges identified.
4. The Inquiry will identify lessons from the North Island Weather events and make recommendations regarding improvements to readiness and response activities in preparation for future emergency events.
5. The Act permits the determination of procedures for each Inquiry. The Terms of Reference require that the Inquiry:
  - (a) does not take a legalistic and adversarial approach;
  - (b) uses the most efficient and least formal procedures to gather any additional necessary information.
6. The Inquiry is arranging interviews with organisations and individuals to gather information relevant to the Terms of Reference. In addition, the Inquiry will hold hui/ group discussions to seek and consider the views of those affected by the North Island weather events. This minute sets out the Inquiry's current approach to procedure. The procedure may be amended as the Inquiry proceeds.



### **Collection of relevant information**

7. The Inquiry has sought information relevant to the Terms of Reference from various organisations and entities. That material will be considered and, where necessary, further requests for information will be made.

### **Interviews with the Inquiry**

8. The Inquiry will interview key organisations, groups and individuals to discuss information that has been provided to the Inquiry, their perspectives on the readiness and response activities relating to the North Island weather events, and to identify lessons that might be applied in preparation for future emergency events. Interview attendees may be asked to provide specific material in advance of the meeting.
9. Interviews may take place in person or via video-conferencing.
10. A person or organisation who has information that they consider relevant to the Terms of Reference may contact the Inquiry through the Inquiry's website. The Chair will determine whether an interview will be arranged.

### **Interviews procedure**

11. The Inquiry's interview procedure has been developed to assist the Inquiry to obtain the facts.
12. The Inquiry does not intend to summon witnesses, or take evidence on oath, although it has the power to do so.
13. Interviews will be conducted privately. Public and media will not be entitled to attend unless prior permission has been sought and granted by the Inquiry.
14. No person will be permitted to cross-examine interview attendees.
15. Provided notice is given in advance, attendees at interviews may be accompanied by a support person or counsel.
16. Interviews will be arranged so far as possible at dates, times and venues that accommodate the needs of those attending.
17. Interviews may be attended by Inquiry members and members of the Inquiry secretariat, including counsel assisting the Inquiry.

### **Notes of interviews**

18. The Inquiry members and / or members of the Inquiry secretariat will take notes of all interviews with the Inquiry. In the event the Inquiry intends to record an interview, attendees will be informed at the commencement of the interview.
19. Attendees may not record any part of Inquiry interviews without prior permission of the Inquiry.



20. It is important that individuals and organisations can speak freely with the Inquiry. Further, some information the Inquiry receives will be subject to privacy, confidentiality and natural justice considerations. Accordingly, the Inquiry has made orders under s 15 of the Inquiries Act 2013 preventing publication and public access to certain information, as recorded in Minute 2.

### **Hui / group discussions**

21. The next stage of the Inquiry will involve hui / group discussions.
22. The purpose of the Inquiry's hui / group discussions is to enable:
- (a) groups affected by the North Island Weather Events to be seen and heard; and
  - (b) the Inquiry to faithfully consider the experiences of affected groups when preparing its recommendations and report.
23. The Inquiry members and/or members of the secretariat will take notes of hui/group discussions.
24. To enable free and frank discussion, nobody may make a recording of any part of a hui/group discussion without prior permission of the Inquiry.
25. Minute 2 addresses the Inquiry's expected approach to publication and disclosure of the material submitted to the Inquiry. Please advise the Inquiry members / Inquiry staff if confidentiality is sought for any comments or other material provided at the hui/group discussions. That information may become subject to non-publication orders under section 15(1)(a) of the Inquiries Act 2013 in accordance with paragraph 6 of Minute 2.
26. The Inquiry does not expect attendees at hui/group discussions to publicly name or criticise individuals. If an attendee seeks to do so, the Inquiry is likely to issue an immediate non-publication order.

### **Notes from hui/group discussions**

27. The Inquiry may publish general information regarding themes from hui/group discussions. The Inquiry will not, without the relevant attendee's consent:
- (a) publish the names of individuals who attend hui/group discussions; or
  - (b) make submissions and material provided to, or presented at hui/group discussions, public.<sup>1</sup>
28. Media will only be entitled to attend hui/group discussions with the permission of the Inquiry. The Inquiry will seek and consider the views of attendees before deciding whether to allow

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<sup>1</sup> Note that while the Inquiry will not publish this information, information that is provided at a group discussion where other members of the public may see or hear it will not be completely confidential.



media to attend that hui/group discussion and, if so, whether to permit media to film, photograph, record or take notes.

### **Written submissions**

29. Any person who wishes to provide submissions to the inquiry in writing may do so through the inquiry website.

### **Use of information obtained at interviews and hui /group discussions and attribution**

30. Information obtained during interviews and hui/group discussions will form the basis of the Inquiry's analysis and findings, which in turn will inform the final report and recommendations.
31. If the Inquiry considers there is a particular reason for attributing information to an identified individual or organisation, the Inquiry will notify the individual or organisation, seek their views, and take their views into consideration. Any attribution will also be subject to natural justice and fact-checking processes.
32. The Inquiry expects that unless confidentiality has been requested and granted, it will publish:
  - (a) the names of individuals and organisations the Inquiry has requested interviews with;
  - (b) the names of the organisations the Inquiry has met with, along with the name of the lead individual representative of the organisation at that meeting .
33. The Inquiry expects to publish summaries and themes from interviews and hui / group discussions.

### **Natural justice**

34. To the extent that any final report includes comments that may be considered adverse regarding decisions or actions of an individual or organisation, natural justice processes will be followed to ensure that the person or organisation is given an opportunity to respond.

### **Legal assistance**

35. It is not anticipated that any person meeting with, or being interviewed by, the Inquiry is likely to require legal assistance (which would be appropriate for the Chief Executive of DIA to fund under section 18 of the Inquiries Act 2013).
36. Nonetheless, if a person wishes to request that the Inquiry make a recommendation to the Chief Executive of DIA that funding be granted for the purpose of providing legal assistance any such request should address the matters specified in section 18(2) of the Act.



### **Provision of Information to Inquiry and Publicly Available Information**

37. Those providing information to the Inquiry must identify which parts of the information are relevant to the terms of reference. The Inquiry may decide whether or not to review information provided to the Inquiry, at its discretion.
38. The Inquiry will not be deemed to have notice of all publicly available information.

Issued under the authority of the Chair of the Inquiry, Sir Jeremiah Mateparae, on 25 August 2023