

## Phase Two - Minute 3

### Public hearings

26 June 2025

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#### **Introduction and purpose of this minute**

- [1] This minute records our decision to hold two public hearings as part of the Inquiry, and the reasons for that decision.
- [2] In our minute of 18 December 2024, we recorded our preliminary view that some public hearings may significantly enhance public confidence in the findings and recommendations of the Inquiry, and that, if public hearings were to take place, the “scope of those hearings will be tightly focused”.
- [3] On 17 March 2025 we proposed to “conduct a carefully limited set of public hearings on some issues”, after we had an opportunity to conduct a preliminary assessment of other information received through public submissions, section 20 orders,<sup>1</sup> and interviews.
- [4] That assessment has taken place over several weeks, and in this Minute we now record our decision to hold public hearings.

#### **Public hearings**

- [5] We have decided to hold two public hearings. Both hearings will focus on key government decisions relating to:
  - (a) Lockdowns in 2021, in particular the extended lockdown in Auckland and Northland from September 2021;
  - (b) Vaccine approvals and safety;

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<sup>1</sup> See section 20 of the Inquiries Act 2013.

(c) Introduction and use of vaccine mandates throughout 2021 and 2022.

- [6] The first public hearing will be held in Auckland between 7 and 15 July 2025. We will hear from individuals and organisations about the effects of these key decisions, including on social division and isolation, health and education, and business activity. We will also hear from experts about the key decisions and their consequences, and lessons to be learned from what happened.
- [7] The second public hearing will be held in Wellington between 20 and 27 August 2025. In this hearing we will hear from government Ministers, public servants and government advisers concerning key decisions, the advice that was made available to decision-makers, whether those decisions had unforeseen consequences, and recommendations on considerations that should be taken into account to best prepare New Zealand to respond to any future pandemics.
- [8] Both public hearings will be held in secure hearing rooms with the Commissioners, witnesses, counsel, and media present. Beyond the media presence, there will be no provision for public attendance, but the hearings will be live-streamed and recordings will also be published on the inquiry website.
- [9] At the hearings, witnesses will be questioned by counsel assisting the inquiry. Commissioners may also ask questions. Any other questioning will be at the discretion of the Commissioners, subject to the principles of procedural fairness.

#### **Legal framework for this decision**

- [10] The Inquiry was established under the Inquiries Act 2013 through terms of reference set out in an Order of Council.<sup>2</sup>
- [11] Our terms of reference qualify s 15 of the Inquiries Act because while we may conduct public hearings into any part of our terms of reference, we may do so only if we consider that such hearings will significantly enhance public confidence in the processes of the inquiry, the conclusions it reaches, and the recommendations it makes.
- [12] The terms of reference also provide that the inquiry must:

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<sup>2</sup> Royal Commissions of Inquiry (COVID-19 Lessons) Order 2022, as amended by the Royal Commissions of Inquiry (COVID-19 Lessons) Amendment Order (No 2) 2024.

- (a) comply with the principles of natural justice and avoid unnecessary delay or costs.
- (b) operate in a way that:
  - does not take a legalistic and adversarial approach:
  - uses information that is publicly available:
  - uses efficient procedures to gather any additional necessary information:

[13] The Inquiry considers that the public hearings will meet the requirements of our terms of reference, as outlined above.

### **Public confidence**

[14] It is well-recognised that public accessibility to an inquiry, especially through public hearings, is a core part of enhancing public confidence in the work and conclusions of an inquiry.<sup>3</sup>

[15] The inquiry is looking into decision-making by government officials against a backdrop that includes dissension by some people affected by those decisions, so there is a need to promote public confidence in that process.

[16] Other factors which indicate that public hearings will significantly enhance public confidence in the inquiry are:

- (a) A public hearing is a demonstration to the public of the independence and professionalism of the Inquiry, which improves trust in the Inquiry, and so enhances confidence in the findings to be made.
- (b) Members of the public who have not made submissions to the Inquiry can see that a range of perspectives have been considered by the Inquiry and will inform the Inquiry's findings and recommendations.
- (c) Many submissions from the public represent one perspective only, so making a wide variety of views accessible will enhance confidence that the Inquiry has listened to a wide range of perspectives.
- (d) Making a wide range of perspectives visible to the public in the accessible format of a live-streamed hearing, also available on the inquiry website, is likely to

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<sup>3</sup> For example, *Royal Commission on Tribunals of Inquiry: Evidence and Papers* | The National Archives; *Fay, Richwhite Ltd v Davison* [1995] 1 NZLR 517; New Zealand Law Commission, *A New Inquiries Act* (NZLC R102, May 2008), para 6.14.

broaden public understanding of the range of perspectives and so increase confidence in conclusions reached by the Inquiry.

- (e) A public hearing, reported by the media, makes the work of the Inquiry accessible to a wide section of the public, including those who may later hear from media about recommendations made by the Inquiry but be unable to easily access the report explaining the evidence received by the Inquiry which informed those recommendations.
- (f) The wide range of perspectives at the first hearing will give confidence that we are carefully listening to those affected by key decisions in various ways.

[17] The second hearing will provide a public forum for some of the most important evidence of this inquiry: that of the decision-makers and their advisers. Also:

- (a) It will allow questioning of key decision-makers about their decisions:
- (b) It will enable the public to see and be confident in how the inquiry is operating:
- (c) It will help the public to understand the decisions and matters we are required to review.

[18] The topics we have chosen to be the subject of public hearings are those associated with the highest levels of concern, and a public hearing will allow those matters to be ventilated in an open and transparent way.

#### **Efficient, non-adversarial procedures**

[19] The public hearings proposed above will provide an efficient procedure for gathering additional necessary information (that is, information that is not already publicly available).

[20] In the first hearing we will hear directly from individuals and organisations about their personal experiences in relation to key decisions. In the second hearing we will hear from decision-makers and their advisers directly and have questions put to them, including those that allow decision-makers an opportunity to answer potential criticisms of their decisions in an open setting. We will focus on aspects of this evidence that are not publicly available.

[21] To maximise the efficiency of hearings, and ensure they are not legalistic or adversarial, we will work with witnesses ahead of the hearing to focus their evidence on the key decisions

and aspects of decision that are of concern to us, based on the work and information collected to date, so as not to duplicate work unnecessarily. In this way, the Inquiry will promote a collaborative approach in all aspects of the hearings, and ensure efficiencies are maintained.

A handwritten signature in black ink, appearing to read 'G. Illingworth', with a large, sweeping flourish extending from the end of the signature.

**Grant Illingworth KC**  
**Chair of the Inquiry**