

17 February 2025

Hon Brooke van Velden  
Minister of Internal Affairs  
By Email

Dear Minister,

### **Quarterly Reporting**

Your recent letter expresses concern about my quarterly report dated 31 December 2024. On reflection, I agree that the report lacked sufficient detail. I am pleased to report, however, that the inquiry is making excellent progress and is well on target for meeting its responsibilities under the terms of reference. Updated information concerning the matters required by the terms of reference is set out below.

#### **Requirements of the terms of reference**

Clause 10 of the terms of reference requires the Inquiry to provide a quarterly report as to:

- progress on delivery of the required findings and recommendations:
- critical activities the inquiry needs to meet:
- the expected cost of completing the activities:
- the expected timing for completing the activities:
- progress towards completing the activities (including costs to date):
- what steps the inquiry is taking, or proposing to take, to mitigate any risk that it may not complete its activities in accordance with the terms of reference.

I address each of these issues in turn, albeit in a slightly modified order.

#### **Progress on completing activities & delivery of findings and recommendations**

The inquiry's overall plan for completing its activities, including delivery of the findings and recommendations required by the terms of reference, falls into seven stages:

- establishment of the inquiry:
- planning of activities:
- information gathering:
- information analysis:
- report development:
- report production:
- decommissioning.

There are areas of overlap between some of these categories.

### *Establishment*

The establishment stage of the inquiry is largely completed. We now have a multi-talented secretariat with all its key functions staffed by personnel with the skills needed for successful delivery of the inquiry. Final appointments will be made very shortly in respect of two positions that are currently filled on an interim basis.

### *Planning and information gathering*

Planning is well advanced. As authorised by the terms of reference, we commenced gathering information on 29 November 2024, initially using an email address for receiving submissions and evidence. We have now established a high-capacity internet portal for receiving submissions and evidence. This important milestone was achieved with the portal opening on 3 February 2025. This is being accompanied by a public awareness campaign, significant parts of which will come into operation this week. The internet portal will remain open until 27 April 2025. So far, we have received well over 2000 submissions with many more coming in daily.

One of our most important tasks has been to identify “key decisions” made in the period under inquiry. While our position on this issue cannot be finalised until we have gathered all necessary information, we have identified the main decisions and have notified them to agencies who may have information concerning the decisions in question. Notices sent to agencies have been issued under section 20 of the Inquiries Act, requiring agencies to provide the information with a return date of 7 March 2025. The return date represents another significant milestone in relation to the information gathering process.

Activities planned for the near future include engagements with stakeholders in the community. Approximately 100 stakeholders have been identified, and stakeholder meetings will commence in March 2025. We have also identified a large number of individuals who are potential witnesses. In accordance with advice from counsel assisting (Kristy McDonald KC and Nick Whittington of Hawkestone Chambers), we have begun preparation for interviews to be conducted by teams of investigators that will commence in late March or early April 2025. These interviews will be followed by an assessment of the significance of the evidence provided, with a view to deciding whether to include witnesses in public hearings that are tentatively scheduled to take place between mid-June and the end of July 2025. Planning is under way in relation to possible venue(s) and probable formats for these hearings.

### *Information analysis and report development*

Information analysis and report development is underway. Delivery teams within the secretariat have prepared “states of play” papers on the main topics that the inquiry has been tasked with investigating. These papers outline the currently available information on potential key decisions. This, in turn, is enabling the inquiry to understand the categories of information for which we need further evidence and identify potential witnesses who are likely to be able to provide information in respect of the decisions we are required to review.

While report development is in its early stages, we have made progress in developing a roadmap that canvasses all the main topics that will need to be assessed in our final report. We anticipate having a fully developed set of findings and recommendations by November 2025.

### *Report production and decommissioning*

These issues obviously lie too far in the future, and are subject to too many variables, for the inquiry to be able to make firm predictions; but it is likely that report production (including completion of the

natural justice process) will be completed in the period from November 2025 to early February 2026. Decommissioning, including archiving documents, will take place in the period of 3 months following delivery of the final reports to the Governor-General no later than 26 February 2026.

### **Critical activities the inquiry needs to meet and expected timing for completion**

As outlined above, critical activities the inquiry needs to meet are:

- carrying out engagements with key stakeholders in the community (including, for example, disability organisations, business organisations, iwi groups, Pacific Island communities, and representatives of other ethnic minorities):
- reviewing and analysing responses to the section 20 notices referred to above:
- reviewing and analysing submissions from the public received down to 27 April 2025:
- interviewing potential witnesses and recording their evidence, in the period from March to May 2025:
- subject to further consideration, conducting public hearings in the period from approximately late June to the end of July 2025:
- analysing and summarising the submissions and evidence received:
- formulating findings and recommendations:
- carrying out natural justice requirements:
- composing; printing and delivering the final report:
- decommissioning the inquiry.

### **Costs to date and the expected cost of completing the activities**

An updated financial analysis, which includes the costs to date and the cost of completing the activities of the inquiry, has been prepared and is attached as **Appendix 1**. As presently advised, the commissioners have a high degree of confidence that the inquiry will be able to complete its activities on time and within the current budget.

### **Steps to mitigate any risk of not completing the required activities**

Finally, I am required to explain any steps the inquiry is taking, or is proposing to take, to mitigate any risk of not completing the required activities in accordance with the terms of reference. This assumes the inquiry will have identified risks of the relevant kind. To fulfil that requirement, it is therefore necessary for me to specify any relevant risks that have been identified in the course of the inquiry to date.

There are, of course, innumerable exigencies that could compromise the ability of the inquiry to complete its required activities, some of which are less likely than others. I therefore confine myself to identifying risks that seem realistic in all the circumstances. The key risks the inquiry has identified are that, before the final reports are delivered:

- the inquiry could suffer a loss of personnel:
- conflicts of interest could develop or be discovered:
- the information-gathering stage could produce an overwhelming volume of submissions or bodies of evidence:

- the information-gathering process could generate security risks for the inquiry, its commissioners and secretariat staff or for key witnesses:
- the country could be subjected to a new emergency that might interrupt or delay progress or there may be unforeseen circumstances that could threaten the ability to deliver on time and within budget.

#### *Loss of personnel*

An important advantage we have as inquiry is that the secretariat is composed of talented individuals who are capable of filling gaps left by others who might become unavailable for any reason. We also have the option of recruiting new staff urgently, should that become necessary.

#### *Conflicts of interest*

Conflicts of interest could include personnel having relationships with a significant witness or a key decision-maker in the new areas of investigation in Phase 2 of the inquiry. To mitigate this risk, the inquiry has developed or adopted procedures and protocols covering its operations, including procedures to resolve conflicts of interest in a way that reduces the risk of such matters impeding the progress of the inquiry.

#### *Overwhelming volume of inputs*

While there is a modest risk that the inquiry will receive an overwhelming volume of submissions and/or evidence, commissioners consider the capacity of the secretariat, along with external providers, will likely be adequate to handle even quite large inputs. Procedures are being prepared to triage and summarise incoming material in a way that will facilitate the process of analysis and make the incoming material digestible for the delivery team and commissioners.

#### *Security risks*

It is unlikely there will be significant security risks until the inquiry reaches the stage at which public hearings may take place. Commissioners will be taking advice from security experts to mitigate any such risks. Any public hearings will also be conducted in ways that will minimise risk to commissioners, staff and witnesses, while ensuring transparency, for example by live-streaming hearings while restricting physical access to hearing rooms and engaging security staff to protect personnel.

#### *Unforeseen circumstances*

In relation to unforeseen circumstances, the fact that such matters are, by definition, unforeseen makes it impossible to make predictions or mitigate risks. What can be done, though, is for the inquiry to be constantly on the alert to detect “black swan” events and be ready to address unexpected issues as a matter of urgency, which is what we intend to do.

Yours sincerely,

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

**G M Illingworth KC**  
**Chair of the Inquiry**

### Appendix 1: Information about the Inquiry's financial situation

Total funding for the Inquiry is \$14.038 million across the 2024/25 and 2025/26 financial years:

	2024/25 Budget	2025/26 Budget	Total Budget
<b>Departmental</b>			
Controllable expenditure – Operations	\$4.021 M	\$5.954 M	\$9.975 M
Uncontrollable expenditure – Support	\$1.268 M	\$1.605 M	\$2.873 M
<b>Non-departmental</b>			
Commissioner costs	\$0.600 M	\$0.590 M	\$1.190 M
<b>Total appropriation</b>	<b>\$5.889 M</b>	<b>\$8.149 M</b>	<b>\$14.038 M</b>

The Inquiry has incurred \$1.241 million in costs to 31 January 2025 against a full financial-year budget of \$5.889 million as set out below.<sup>1</sup>

	2024/25 YTD Actuals	2024/25 FY Budget	2024/25 Funds remaining	2024/25 % of funding remaining
<b>Departmental</b>				
Controllable expenditure – Operations	\$0.614 M	\$4.021 M	\$3.407 M	85 %
Uncontrollable expenditure – Support	\$0.399 M	\$1.268 M	\$0.869 M	69 %
<b>Non-departmental</b>				
Commissioner costs	\$0.228 M	\$0.600 M	\$0.372 M	62 %
<b>Total expenditure</b>	<b>\$1.241 M</b>	<b>\$5.889 M</b>	<b>\$1.241 M</b>	<b>79 %</b>

<sup>1</sup> Costs to date are as expected and reflect activities to date. Phasing will be reflected in the March budget update, so from the March 2025 quarterly report, we will report YTD spending against YTD budget, with commentary on any variances. The cost of completing the activities of the inquiry is on track to be within its appropriated budget across the 2024/25 and 2025/26 financial years.