



COVID-19 Inquiry Pānui

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A word from our Chair, Professor Tony Blakely

Kia ora koutou,

Welcome to this latest issue of the COVID-19 Inquiry Pānui. I would like to begin my comments by first welcoming Grant Illingworth KC, our new Commissioner.

You may have seen news reports last month announcing Grant's appointment – he was officially welcomed to the Commission on 8 August. We look forward to working with him throughout the remainder of Phase One and having the benefit of his complementary perspective on the shape of the final Phase One report.

As the work of Phase One is well-advanced, Grant will also focus on preparing for Phase

Two of the Inquiry, which will begin at the end of November 2024. The Minister of Internal Affairs has indicated that Grant, along with other new Commissioners, will continue with Phase Two of the Inquiry. You can read more about Grant, his background, and what he'll bring to the Inquiry below.



From left to right: Inquiry Counsel Jane Meares, Commissioner Grant Illingworth, Chair Professor Tony Blakely, Commissioner John Whitehead, and Inquiry Director Justine Cornwall at Commissioner Illingworth's formal welcome.

The second phase of the Inquiry provides an opportunity to complement the work already undertaken by the COVID-19 Inquiry, and for Aotearoa New Zealand to be even better prepared for future pandemics. While our current terms of reference for Phase One are broad enough to allow us to look at a wide range of topics, we recognise there are specific areas people have said they would like considered. The terms of reference for Phase Two are not yet available, but likely additions to the Inquiry's terms of reference were recently outlined by the Government.

Many of you may have an interest in the second phase of the Inquiry, including how it will be conducted and ways in which you can provide your input. I understand the Government is planning to confirm the terms of reference for the second phase during August, or in early September, and we expect to be able to provide further information about this in our next

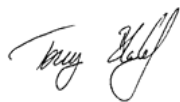
pānui.

Phase One of the Inquiry is due to finish on 28 November 2024, and work continues at pace to produce our report by then. In July, we largely completed the Inquiry's engagements, and during August the natural justice process will get underway. The Inquiry team is hard at work drafting the findings, lessons and recommendations that will make up the Phase One report, which will cover the topics laid out in the current terms of reference.

You will also see in this issue information about the Inquiry's latest procedural Minute, which has now been published. I want to draw your attention to this, as the Minute replaces our interim non-publication orders with permanent non-publication orders. I want to reiterate to all those that have provided evidence to this phase of the Inquiry how important it is to me and my fellow Commissioners to ensure that this procedure is in place and that what you have shared remains confidential to the Inquiry – as per our assurances to you in those engagements. I would also like to offer my sincere thanks to all of those we have met with, and to thank you again for your openness in our engagements.

I hope you find this month's pānui of interest. We look forward to continuing the work of Phase One and sharing further updates with you over the coming months.

Heoi ano ra,



Professor Tony Blakely

Royal Commission Chair

Introducing our new Commissioner – Grant Illingworth KC



Our new Commissioner, Grant Illingworth KC, has now started with the Inquiry.

Mr Illingworth is a litigation specialist who was called to the bar in 1974 and has conducted his own practice as a barrister since 1975. In his 50 years in practice, Mr Illingworth has appeared as counsel in the High Court, Court of Appeal, Privy Council and the Supreme Court as well as various disciplinary tribunals. He has particular expertise in public law, including constitutional law, administrative law and judicial review. He acted as counsel in proceedings involving major constitutional crises in Fiji and represented the Chief Justice of Fiji in disputed allegations of misconduct arising from one of those crises.

When not practising law, Mr Illingworth undertakes voluntary work including for the New Zealand Law Society and the Law Association. He also supports community groups and church organisations.

Mr Illingworth says the nature of the Inquiry means his skills and expertise should be put to good use.

“As an experienced legal practitioner, I hope to contribute to the rigour, fairness and depth of

this important investigation into the effects of the COVID-19 pandemic in New Zealand and the lessons that may be learned for the future.

“The seriousness of the subject matter is highlighted by the Ministry of Health Manatū Hauora estimate that the SARS-CoV-2 virus has caused or contributed to the deaths of over 4,000 people in New Zealand – a number that continues to climb every day. To be appointed as a Royal Commissioner in such circumstances is both an honour and a privilege.”

Mr Illingworth says while the work will be challenging, much of the preparatory work has already been undertaken.

“I am very fortunate I don’t have to start from scratch, and I look forward to engaging with and building on the work of a dedicated team that for many months has been working hard on gathering and analysing information needed to complete Phase One of the Inquiry, and to ensuring that the Inquiry as a whole delivers a robust set of findings and recommendations on behalf of all New Zealanders.”

View an interview with Mr Illingworth below:



Inquiry progress update

Phase One of the Inquiry is progressing well to complete its report by 28 November 2024.

July has seen the Inquiry largely complete final engagements as part of our evidence gathering for this first phase. This includes meeting with families of those who lost loved ones during the

pandemic, and with representatives from Voices for Freedom. You can view the full list of organisations and individuals the Inquiry has met with [here](#).

The focus for the Inquiry over the next few months includes both the natural justice process and the completion of our report drafting.

The approach to the natural justice process is outlined in the Inquiries Act (2013) which states that 'if an inquiry proposes to make a finding that is adverse to any person, the inquiry must, using whatever procedure it may determine, be satisfied that the person is aware of the matters on which the proposed finding is based and has had an opportunity, at any time during the course of the inquiry, to respond on those matters.'

To identify the lessons that will likely enable us to be better prepared for a future pandemic, Phase One of the Inquiry may conclude that some aspects of the pandemic response could have been done differently or better. The natural justice process will involve the Inquiry contacting those who might be potentially impacted by such conclusions and giving them the chance to respond. It will run throughout August and September 2024.

Additional Minute added to Inquiry procedure

A new Minute has been published by the COVID-19 Inquiry – [Minute 4: Non-publication orders](#).

Minute 4 specifies what evidence received by the Inquiry will be unable to be accessible after the Inquiry reports. A full list of material that will

be subject to permanent non-publication orders is detailed in the Minute.

Previously, the Inquiry established a process through the use of earlier Minutes, to prevent – on a temporary basis – certain evidence received by the Inquiry from being made publicly available.

These temporary non-publication orders were introduced to ensure that people providing evidence to the Inquiry could do so in a ‘free and frank’ manner, as well as ensuring the Inquiry gathered evidence using the most efficient and least formal procedures as set out in the terms of reference for Phase One of the Inquiry.

In deciding what permanent orders the Inquiry might make, the Inquiry considered the criteria set out under section 15 (2) of the Inquiries Act and in particular the benefits of observing the principle of open justice, the risk of prejudice to public confidence in the proceedings of the Inquiry and the privacy interests of any individual.

The Minute replaces our interim non-publication orders with permanent non-publication orders. These permanent non-publication orders apply only to documents relating to Phase One of the Inquiry.

Minute 4 also includes details on how information provided by the Inquiry to Archives New Zealand will be managed.

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