



**Government Inquiry into Havelock North Drinking-Water**

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER OF**

**GOVERNMENT INQUIRY INTO HAVELOCK  
NORTH DRINKING-WATER**

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**MINUTE NO 1: PRELIMINARY MATTERS AND INITIAL HEARING**

**17 OCTOBER 2016**

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## MINUTE NO 1: PRELIMINARY MATTERS AND INITIAL HEARING

- 1 From approximately mid-August 2016, the Hastings District Council and the Hawke's Bay District Health Board became aware of a widespread occurrence of gastroenteritis in Havelock North. It became apparent that *Campylobacter* was the primary infectious agent, that a very substantial number of people had been affected, and that the Havelock North drinking water was the probable cause.
- 2 The Government determined that the seriousness of the outbreak, and the public safety issues potentially involved, required a Government Inquiry to be instigated. Draft Terms of Reference were issued on 22 August 2016, and consultation on the draft Terms, and selection of Panel members followed. The Inquiry was formally established by Gazette notice dated 15 September 2016.
- 3 The Terms of Reference, as notified in the Gazette notice, direct the Inquiry to investigate and report on how the Havelock North water supply became contaminated, how the outbreak was subsequently addressed, the adequacy of responses by all concerned, and how to reduce the risk of any recurrence of an outbreak of this nature.
- 4 The Inquiry is required to report on, and provide recommendations on, the following matters:<sup>1</sup>
  - (a) The cause(s) of the outbreak;
  - (b) Whether any person or organisation was at fault or failed to meet required standards;
  - (c) The adequacy of the management of drinking water supplies for Havelock North, the implementation of drinking water standards, contingency planning, preparedness and the responses of local and central government agencies, and any other relevant parties;
  - (d) Any legal or regulatory changes or additions necessary and desirable to prevent or minimise similar incidents;
  - (e) Any changes or additions to operational practices for monitoring, testing, reporting on and management of drinking water supplies, implementation of drinking water standards, contingency planning and responses by local and central government, to address the lessons from this incident;
  - (f) Any other matter which the Inquiry believes may promote the safety of drinking water and/or prevent the recurrence of similar incidents.
- 5 The Inquiry is required to report no later than 31 March 2017. Interested parties with knowledge of the scope of matters to be investigated will appreciate that this reporting date creates a tight timeframe. The Inquiry urges co-operation from all parties in the provision of information, documents and evidence in a timely fashion.

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<sup>1</sup> See Terms of Reference for full text.

- 6 The Solicitor-General on 30 September 2016 appointed Nathan Gedy QC as counsel to assist the Inquiry. He will be assisted by Ms Fionnghuala Cuncannon of Meredith Connell.
- 7 The Inquiry has also appointed a Head of Secretariat, Blair Cairncross. He will deal with all administrative aspects of the Inquiry and will also act as Registrar for any public hearings that may be required. All correspondence to the Inquiry should be directed to the Head of Secretariat. Contact details are at the foot of this Minute.
- 8 The Head of Secretariat will shortly set up an Inquiry website and Minutes and other key information will be posted on it.
- 9 Following his appointment, Counsel Assisting has attended meetings with key interested parties to discuss in a preliminary way matters relating to the Inquiry and the expected scope of information and documents to be provided. In a number of instances, those spoken with will be seeking designation as "core participants" under s17 Inquiries Act 2013. Directions in relation to such applications are set out below.
- 10 One question which has been identified in these meetings is whether the Inquiry should conduct its investigation, and possibly also its reporting, in 2 stages, stage 1 being incident-specific matters (those set out in 4 (a)-(c) above) and stage 2 being systemic matters and possible changes needed for the future (those set out in 4 (d)-(f) above). The Inquiry is aware of interested parties who would only want to be heard on the second topic(s). This is a matter upon which input from interested parties would be welcome at the initial hearing on 27 October 2016.
- 11 In light of the preliminary information gathered from interested persons, and the likely scope of material to be presented to the Inquiry, the Panel has resolved that an initial hearing will be held commencing at 10am on 27 October 2016, and, if necessary, into the morning of 28 October 2016. This will take place in the Hastings District Court building at 106 Eastbourne Street West, Hastings.
- 12 It is envisaged that the hearing will proceed as follows:
- (a) The panel Chair will make opening comments.
  - (b) The Inquiry will take appearances from persons or organisations appearing with a view to identifying those who wish to be heard and to present evidence and/or submissions.  
  
Note: The Inquiry will receive information and/or written submissions from persons who do not wish to attend hearings and further directions in relation to those possibilities will be issued after the initial hearing.
  - (c) Counsel-Assisting will make a short opening address.
  - (d) The Inquiry will hear from interested parties as to any procedural or similar matters they wish to raise relating to Inquiry, including whether the Inquiry should proceed in stages. It is not intended to deal with any substantive matters on that date.
  - (e) The Inquiry will note parties who wish to be designated as "core participants" or who wish to be involved in a selective way (eg only in respect of discrete issues).

- 13 Shortly after the initial hearing, the Inquiry will issue a further Minute advising its decisions on designation as “core participants” and providing directions on the Inquiry process.
- 14 In order to ensure an efficient conduct of the initial hearing, the following directions are given:
- (a) Any person or entity wishing to be heard by the Inquiry, or to otherwise participate in the Inquiry, should file with the Head of Secretariat by email to [HavelockNorth.Water@dia.govt.nz](mailto:HavelockNorth.Water@dia.govt.nz) a notice of appearance (which can take the form of a simple memorandum) indicating:
    - (i) the identity of the party/person and contact details of the relevant person(s) who will deal with the Inquiry;
    - (ii) an address for service for Inquiry notices or documents (email is preferred);
    - (iii) the name(s) and contact details of any solicitors or counsel acting.
  - (b) The Inquiry requests that any person or entity wishing to make an application to the Inquiry for any determination on any matter at the initial hearing scheduled for 27 October 2016, file a memorandum of no more than 2 pages with the Head of Secretariat, no later than 24 October 2016, setting out what is sought. No particular form is required but any such memorandum should set out what orders or directions are sought and the matters the application is based on.
  - (c) Requests to be designated a “core participant” under s17 Inquiries Act 2013 should be made by the process set out in (b) above.
  - (d) If any person or entity wishes to draw any other matter to the attention of the Inquiry ahead of the initial hearing, a short memorandum setting it out should also be filed by 24 October 2016.

For the Inquiry Panel



Hon L L Stevens QC

17 October 2016

**Contact details for head of Secretariat:**

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