



**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 3: PRELIMINARY MATTERS AND INITIAL HEARING**

**14 NOVEMBER 2016**

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## MINUTE NO 3: PRELIMINARY MATTERS AND INITIAL HEARING

### Hearing Times

- 1 The resumed hearings will commence at 10am on Monday 28 November 2016 at the Hastings District Court in Courtroom 4 (upstairs) and will continue until Friday 2 December 2016.
- 2 Hearings each day are expected to conclude between 4.30pm and 5pm, but the Inquiry will sit no later than 1.30pm on 2 December 2016.
- 3 Hearings will resume on Monday 12 December 2016 at 10am and will continue until Tuesday 20 December 2016.
- 4 Any further hearings which are required will commence on Monday 30 January 2017 and will continue through that week and, if necessary, the following week (from Tuesday 7 February 2017), until the evidence is concluded.

### Hearing Issues

- 5 Subject to any amending directions from the panel in due course, hearings will proceed on an issue-by-issue basis (refer Issues List on website) as follows:
  - (a) 28 November 2016: Issues 2, 3 and 4: these three issues address prior knowledge of risk, cause of contamination and fault by any persons and/or systemic failures.
  - (b) 12 December 2016: continuation of any remaining evidence from issues 2, 3 and 4. Then proceeding to issues 6, 7 and 8 (adequacy of preparation, outbreak responses, safety of Havelock North water supply over next 12 months).
  - (c) Hearings in 2017 will deal with the completion of any remaining evidence in respect of issues 6, 7 and 8. It will also address any further evidence that may be needed in respect of issues arising during the preceding hearings and any evidence not available in 2016 (such as the results of further tests or further analysis).
  - (d) The panel expects the great majority of all evidence to be adduced and heard in 2016. Parties are required to produce all available evidence on each issue in the relevant hearing week. Unless there is any fresh matter, the Inquiry will not revisit issues in hearings after evidence on them has been heard. Any party wishing to call additional evidence in 2017 on issues which have been dealt with, will need to justify doing so. Any late evidence may not necessarily be the subject of oral hearings.
  - (e) Any witness whose evidence covers both sets of issues will be asked to provide evidence on issues 2-4 in the first week, and will then return to give evidence on issues 6-8 in the second week of hearings beginning 12 December 2016 (or, if necessary, in January 2017)

## Witnesses

6 The panel will advise the parties which witnesses it wishes to hear and in what order. It is expected that it will hear from the following witnesses in the first week:

- (a) Mr Gilpin of ESR in relation to the report at CB02 (see website Core Bundle)
- (b) Mr Chapman of HDC
- (c) Mr Cussins of Tonkin & Taylor
- (d) Mr Maxwell of HBRC
- (e) Other witnesses from HDC and HBRC, as well as DHB and MWH.

The above sequence of witnesses may be reviewed once statements of evidence have been filed.

7 Where a witness has provided the Inquiry and the other parties with a written statement of evidence, unless there are particular reasons requiring it, the witness will not read out his/her evidence. The panel will have read it before the hearing starts.

8 Each witness will be invited to address the hearing orally for up to 10 minutes. This is an opportunity for her/him to briefly summarise the evidence or to explain a diagram or otherwise to supplement the written statement. The 10 minute elaboration opportunity will be extended only in exceptional circumstances.

9 The panel will then allow cross-examination of the witnesses. Counsel assisting will generally cross-examine first but the panel will direct the order of cross-examination for each witness. Cross-examination is expected to be short and to the point, and the panel will wish to avoid duplication or irrelevant cross-examination. It is not expected that every party will seek to cross-examine every witness.

10 Counsel for the party calling the witness may then re-examine in relation to any matters arising out of cross-examination.

11 The panel members may then wish to ask the witness some questions.

12 Once a party has called any witnesses(s) and the Inquiry has received that evidence then, subject to any contrary order, all statements of evidence and accompanying exhibits filed by that party will be posted on the Inquiry website.

## Exhibits [NB please refer to paras 20-26 Minute #2]

13 A copy of the Core Bundle (CB) prepared by the Inquiry will be available to witnesses at hearings. Refer Minute #2 for Core Bundle matters. Copies of the CB index and the documents are posted on the Inquiry website at:

<https://www.dia.govt.nz/Core-bundle-documents>

14 Parties may produce exhibits in addition to the documents in the Core Bundle where such documents are necessary to support their evidence on the following basis:

- (a) The Inquiry will generally not require formal proof of documentary matters referred to in evidence statements;

- (b) Parties should only produce a document as an exhibit if it is truly necessary to clarify or establish or illustrate the evidence being given;
- (c) Parties should endeavour strictly to confine the number of exhibits produced. The Inquiry will be happy to request later production of any document which is referred to at a hearing but not exhibited, should it wish to see such a document;
- (d) Parties are requested to produce to the Inquiry and serve on other parties all exhibits which accompany their evidence, at the same time the evidence is provided. See Minute #2 for numbering protocols.

#### Transcript of Hearings

- 15 A transcript of the hearings will be available to the parties giving evidence and will be posted on the website.
- 16 Timing will depend on the transcription service-provider's overall commitments at the time, but it is expected to be available reasonably promptly after the conclusion of the evidence on each day of the hearing.

#### Submissions

- 17 After all evidence on Stage 1 issues is completed, the Inquiry will invite the parties to make submissions. The timing for these will be advised in 2017, once progress with evidence is known, but it is expected to be approximately 15 February 2017.
- 18 The Inquiry will be requiring submissions to be in writing and to be filed with the Head of Secretariat and also served on the other parties who have provided an address for service.
- 19 The Inquiry may convene a further hearing to hear oral submissions but, if it does so, it will issue a Minute setting out what matters it requires to hear parties on, and it will set time limits on any oral addresses. It is anticipated that any oral submissions will be tightly focussed and will address only specific matters as requested by the Inquiry. Matters not in dispute do not require exegesis in submissions.
- 20 As signalled at paragraph 12(b) of the Minute No 1, the inquiry will receive information and submissions from persons or organisations who do not wish to attend the hearings.

For the Inquiry Panel



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Hon L L Stevens QC

14 November 2016

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