



Government Inquiry into Havelock North Drinking Water

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

**GOVERNMENT INQUIRY INTO HAVELOCK
NORTH DRINKING WATER**

MINUTE NO 2: STAGES OF INQUIRY AND PROCESSES FOR EVIDENCE

28 OCTOBER 2016

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MINUTE NO 2: STAGES OF INQUIRY AND PROCESSES FOR EVIDENCE

Introduction

- 1 On 27 October 2016 the Inquiry convened its initial hearing at the Hastings District Court.
- 2 This Minute No 2 addresses the procedural matters arising and confirms the timetable for next steps.

Issues to be addressed in two stages

- 3 Prior to the initial hearing, the Inquiry had identified a Provisional List of Issues arising from the Terms of Reference. Consideration of that list suggested that the Inquiry would most efficiently proceed in two stages.
- 4 All parties who appeared at the initial hearing agreed that it would be efficient to proceed in two stages. Consequently, Stage One will address matters directly relevant to the campylobacteriosis outbreak in Havelock North in August 2016 and Stage Two will address systemic issues and lessons to be learned. This will enable Stage Two to be appropriately focussed.
- 5 Stage One will focus on the eight issues set out in "List of Issues: Stage One". This list is available on the Inquiry's website and has been emailed to parties who have provided an address for service.
- 6 The issues for Stage Two will be confirmed at an appropriate time and also made available on the Inquiry's website.
- 7 The Lists of Issues are to assist to focus the Inquiry but they are not exhaustive and do not prevent any party adducing any other evidence relevant to the Terms of Reference.

How the Stage One issues will be considered

- 8 As detailed below, the Inquiry wishes to receive evidence and submissions on the Stage One issues in different ways for different issues.

Issues 1 and 5

- 9 Issues 1 and 5 are seen as largely, and possibly wholly, uncontentious and likely to be agreed by all parties as statements of fact. Consequently, statements of evidence are not sought at this stage on those two issues.
- 10 Instead, the Inquiry seeks a written paper setting out the relevant facts from any interested party. Any relevant documents should be appended e.g. timelines, or copies of key communications (but please note that the Inquiry does not seek fully-documented papers and only key or important documents should be appended). These papers should be submitted to the Head of Secretariat no later than Friday 11 November 2016. If they can be submitted earlier, that would be appreciated.

- 11 These papers do not need to be served on any other party. They will be considered by the Inquiry with a view to production by the Inquiry of a fact paper on each issue. This fact paper will incorporate those aspects of the material provided by the parties which the Inquiry considers relevant and useful. All parties will then be given an opportunity to provide relevant additional evidence or to make submissions on each paper.

Issues 2, 3, 4, 6, 7 and 8

- 12 For Issues 2, 3, 4, 6, 7 and 8, the Inquiry will, in addition to its own investigations, hear evidence at public hearings. The details of the hearings and how evidence is to be presented are set out below.
- 13 Whether written or oral submissions will be sought on the evidence adduced for Issues 2, 3, 4, 6, 7 and 8 will be considered by the Inquiry in due course.

Statements of evidence

- 14 Any party wishing to call evidence in relation to Issues 2, 3, 4, 6, 7 and 8, must provide a statement of evidence by 5pm on 18 November 2016. All parties and their advisors are asked to observe this timing strictly, and it is hoped that some parties will be able to provide evidence earlier than 18 November 2016.
- 15 Parties are encouraged to provide evidence which is succinct and focussed directly on the matters upon which the Inquiry is required to report.
- 16 All statements of evidence must be:
- (a) filed with the Head of Secretariat; and
 - (b) served on all parties who have filed an address for service as recorded in the list of "Addresses for service" on the Inquiry's website. Please note some parties have (to date) provided only a postal address. Service by email is the preferred option, except where a party does not have access to email.
- 17 Statements of evidence will not be posted on the Inquiry website and will be treated by the Inquiry and by all parties receiving them as confidential, and not for any further distribution or publication outside that party and its advisors, until the relevant evidence has been given in a public hearing of the Inquiry.
- 18 Every statement of evidence must be endorsed:
- "This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Government Inquiry into Havelock North Drinking Water and that it is an offence for me to provide false or misleading information to the Inquiry",
- then signed and dated by the witness.
- 19 Any expert witness must also confirm that she/he has read Schedule 4 of the High Court Rules, Code of Conduct for Expert Witnesses, and that he/she agrees to comply with it.

Exhibits

- 20 The Inquiry will circulate to all parties an index for a common bundle (**CB**) not later than 11 November 2016. Each document will have a unique number e.g. CB001. The Head of Secretariat will post all documents in the CB on the Inquiry's website.
- 21 Statements of evidence referring to CB documents should refer to the CB number. There is no need to provide the Inquiry or any other party with any document in the CB.
- 22 Parties are encouraged to suggest to the Head of Secretariat after 11 November 2016 (and preferably before 18 November 2016) any further documents for inclusion in the CB. It should be noted that the Inquiry wishes to confine the CB to core documents which are directly relevant to the issues.
- 23 Any documents not included in the CB which any party wishes to refer to in evidence or submission should be filed and served on the other parties in electronic or scanned form (.pdf or.xls unless otherwise approved) with or before statements of evidence. As with the statements of evidence, these documents will also be treated as confidential by the Inquiry, and by parties until referred to in a public hearing.
- 24 The Inquiry will accept either electronic copies or paper copies of the documents but each document must be identified with:
 - (a) the party's unique party identifier (eg HDC, HBRC etc); and
 - (b) a unique numerical code.
e.g HDC 012 or DHB 015
- 25 The identifier should be placed on the top right corner of the first page of each document. A clearly-legible handwritten identifier is acceptable. Where multiple documents are being produced, an index is requested.
- 26 The unique party identifier which will be used by the Inquiry for each party is set out in the "Addresses for service" link on the Inquiry's website.

Public hearings

- 27 After receipt of the statements of evidence and any exhibits, the Inquiry will issue a further Minute outlining the conduct of the public hearings including the order of issues and witnesses, and the process for making submissions.
- 28 The public hearings will commence on Monday 28 November 2016 at 10am in Courtroom 4 of the Hastings District Court, 106 Eastbourne Street West, Hastings. There will be breaks at 11.30am (15 minutes) and 1pm (1 hour) and 3.30 (15 minutes) and hearings will conclude at approximately 4.30pm.
- 29 Please note that the Inquiry may sit for longer hours on subsequent hearing days, if it considers it necessary to do so.
- 30 If further hearing time is required beyond the week of 28 November 2016, the Inquiry will reconvene on Monday 12 December 2016 (start time to be

confirmed) and may hear evidence through to 4pm on Tuesday 20 December 2016. Further hearing time will also be arranged in January 2017, if necessary (but not before 16 January 2017).

Confidentiality

- 31 Should any party consider that confidentiality restrictions, in addition to the matters described in relation to the exchange of briefs and exhibits, are necessary for any information or document, this should be raised with the Inquiry by filing a memorandum with the Head of Secretariat as soon as possible in advance of the applicable deadline for filing and service.

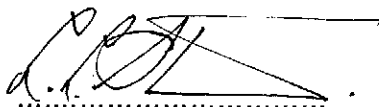
Objections

- 32 If, despite the Inquiry's broad power to receive evidence, any party objects to the Inquiry's receiving any statement of evidence or document, whether in its entirety or in part, she/he must raise the matter with the Inquiry by filing a memorandum with the Head of Secretariat within three working days of being served with that brief or document. That memorandum must also be served on the party who has filed the evidence in issue.

Core participants

- 33 In accordance with section 17 of the Inquiries Act 2013, the Inquiry designates the following persons as core participants:
- (a) Hastings District Council;
 - (b) Hawke's Bay District Health Board;
 - (c) MWH New Zealand Limited;
 - (d) Hawke's Bay Regional Council;
 - (e) Ministry of Health;
 - (f) Ministry for the Environment;
 - (g) Department of Internal Affairs;
 - (h) Local Government New Zealand;
 - (i) Water NZ.
- 34 Any other party wishing to be designated as a core participant should file an application with the Head of Secretariat.

For the Inquiry Panel



Hon L L Stevens QC

28 October 2016