

Department of the Prime Minister and Cabinet

Inquiry into the Earthquake Commission Proactive Release November 2018

The document below is released by the Department of the Prime Minister and Cabinet relating to the inquiry into the Earthquake Commission.

Key to Redaction Codes

Certain information in this document has been withheld under one or more of the following sections of the Official Information Act, as applicable:

- [1] 9(2)(a) – to protect the privacy of natural persons, including deceased people
- [2] 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied

Where information has been withheld, a numbered reference to the applicable section of the Official Information Act has been made, as listed above.



Aide-Memoire

TALKING POINTS FOR CABINET APPOINTMENTS AND HONOURS COMMITTEE, 12 SEPTEMBER 2018

To	Hon Dr Megan Woods, Minister for Greater Christchurch Regeneration	Report No	DPMC-2018/19-235
From	Anne Shaw, Executive Director Greater Christchurch Group	Date	7/09/2018

Purpose

1. This paper provides talking points for your two agenda items for the Cabinet Appointments and Honours Committee (APH) meeting at 9am on Wednesday, 12 September 2018:
 - a. Establishing the Public Inquiry into the Earthquake Commission (and appointment of Dame Silvia Cartwright); and
 - b. [Out of scope]

Background

Establishing the Public Inquiry into the Earthquake Commission

2. In-principle agreement to the establishment of the Public Inquiry into the Earthquake Commission was received from Cabinet on 26 March 2018 (CAB-18-MIN-0103 refers). This paper is seeking Cabinet's agreement to recommend to the Governor-General the establishment of the Public Inquiry into the Earthquake Commission. Specifically, it includes decisions on the:
 - a. establishment of the Inquiry as a Public Inquiry under section 6(1)(b) of the Inquiries Act 2013;
 - b. approval of the final terms of reference for the Inquiry and its reporting date;
 - c. consideration of the single member model for the Inquiry and the fees for the appointed member;
 - d. appointment of Dame Silvia Cartwright as the inquiry member;
 - e. fees for the member; and
 - f. agency feedback from the consultation on the paper.
3. Talking points to support you at the Committee are attached as **Attachment A**. They include notes on the potential risk of a single member Inquiry.

[Out of scope]

Recommendations

6. It is recommended that you **note** the contents of this aide-memoire.

Anne Shaw
Executive Director
Greater Christchurch Group

NOTED

Hon Dr Megan Woods
Minister for Greater Christchurch
Regeneration

Date: / /2018

Attachment A: Talking points: Establishing the Public Inquiry into the Earthquake Commission

Attachment B: [Out of scope]

Attachment A:

Talking points: Establishing the Public Inquiry into the Earthquake Commission

- I am seeking Cabinet's agreement to recommend to the Governor-General the establishment of the Public Inquiry into the Earthquake Commission (the Inquiry).
- I also request agreement to the sole appointment to the Inquiry of Dame Silvia Cartwright, as the Chair.

Purpose of the Inquiry

- It is important in moving forward that the people of Canterbury feel they have been heard. The Inquiry will give them the opportunity to provide feedback on their experiences in dealing with EQC. It will also look at EQC's policies and processes for residential claims management. It will recommend refinements or changes, to ensure it is in a strong position to respond to future events.
- It's important that we allow for reflection, but that the focus for EQC is on constant improvement to ensure readiness when responding to any future natural disasters.

Form of Inquiry

- The Inquiry will be established as a Public Inquiry under the Inquiries Act 2013. As a Public Inquiry it will report to the Governor-General, providing independence from Ministers.
- The Canterbury earthquakes were significant events and the response warrants an open and transparent inquiry. A Public Inquiry will meet public expectations around the independence of the Inquiry, giving submitters more confidence when making their submissions.

Terms of Reference

- The Terms of Reference provide the stated purpose, objectives and scope for the Inquiry. As a framework they provide for the Inquiry to be reflective but future focused.
- They have been updated from the draft version provided to Cabinet in March. These changes have been made to:
 - better reflect EQC's role and the work it has undertaken since the Canterbury earthquakes;
 - ensure consistent application of terminology; and
 - finalise the report back date for the Inquiry.

Timeframes

- The Inquiry will commence following formal establishment through an Order in Council. This will happen through the Cabinet Legislation Committee in late October, with an announcement to follow shortly after.
- The Inquiry will report back to the Governor-General by 30 June 2019. While this is a challenging timeframe, it will ensure the Inquiry has momentum.

Appointment of Dame Silvia Cartwright

- The appointment of Dame Silvia Cartwright will help to give the Inquiry wide recognition. She brings a wealth of experience to the Inquiry. As a current International Commission of Jurists Commissioner and former High Court Judge, she brings judicial and legal skills to the Inquiry.
- She also brings strong experience of working in a high profile position as a former Governor-General. Having also previously led a Commission of Inquiry, she brings experience of working on an Inquiry dealing with difficult and complex subject matter that may be traumatic for submitters.

Single member Inquiry - risk

- It is rare, but not unprecedented to have an Inquiry conducted by one member. The advantages are in terms of ease of decision-making and clear accountability for conduct of the Inquiry and its recommendations.
- The obvious risk is if something happens to the Chair to take her out of commission for a time or, at worst, result in her not being able to complete the work. Additional members can mitigate this risk, but do not eliminate it completely.
- Having a strong and effective Inquiry head and secretariat, and robust processes for managing, recording and organising evidence and other information are essential for managing the risk, and enabling someone else to step in should the situation arise.
- I also anticipate that the Inquiry will make appropriate use of external experts on matters requiring technical expertise, and would establish a community reference group, to ensure the full range of experience and knowledge is available to the Inquiry.

Fees and conflicts of interest

- The daily fee for the Chair will be \$1,400. This is in-line with the fee paid to the Chair of other current inquiries. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, with none identified.

[Out of scope]

[Out of scope]