

Department of the Prime Minister and Cabinet

Inquiry into the Earthquake Commission Proactive Release

January 2021

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

Further information relating to this programme of work can be found on the DPMC website:
<https://dpmc.govt.nz/our-programmes/special-programmes/eqc-inquiry>

Key to Redaction Codes

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Public Inquiry into the Earthquake Commission

Procedural Minute 1:

Process for Gathering Information

Contacts

Mail: Private Bag 4999, Christchurch

Phone: 0508 467372

Email: info@eqcinquiry.govt.nz

Website: <https://eqcinquiry.govt.nz/>

Introduction

1. The Public Inquiry into the Earthquake Commission (the Inquiry) was established on 16 November 2018, pursuant to the Inquiries Act 2013 (“the Act”).
2. Terms of reference can be found here:

<https://eqcinquiry.govt.nz/about-the-inquiry/terms-of-reference/>

3. The Inquiry is to investigate and report on the lessons that can be learned from the application of the Commission’s operational practices and the Commission’s approaches to claims outcomes in relation to the Canterbury earthquake events and subsequent events. It will make recommendations to improve the Commission’s readiness to respond to future events.
4. In particular, it will look at:
 - EQC’s operational practices and approaches to claims outcomes;
 - EQC customers’ practical experiences of these;
 - The interplay between EQC and other insurers;
 - Pros and cons of different approaches to claims settlement such as cash settlement versus repair and rebuild;
 - The application by EQC of lessons learned to subsequent events; and
 - Other improvements to operational practices to improve claims outcomes.
5. The Act permits the determination of appropriate procedures for each Inquiry.
6. The Inquiry initially will actively seek information held by many organisations and individuals, which is relevant to the Terms of Reference. Formal interviews and a series of public forums will then be held and written submissions will be invited.
7. In order to ensure an efficient and comprehensive process, this initial minute sets out the preliminary approach to procedures. These will be amended or augmented as the Inquiry proceeds.

Initial Meetings convened to collate information

8. Initial meetings arranged by the Chair and Inquiry staff have begun. Those invited to meet the Chair may be asked to provide specified material in advance of the meeting
9. Meetings sought by other individuals or organisations
 - (a) Any person or organisation who has information, material or comment that is relevant to the Terms of Reference may seek an initial meeting with the Chair, who will determine whether meetings will be arranged.
 - (b) The opportunity to attend meetings with the Chair will be advertised and may be arranged by accessing the Inquiry staff direct, or through the website. Guidance will be given on the website to ensure that those seeking initial meetings are able to provide information or material that is relevant to the Terms of Reference.

Formal Interviews

10. The Chair will then conduct formal interviews with those who in her view are able to provide information or comment that will assist her to answer the Terms of Reference.

Public Forums

11. The final phase will consist of a series of public forums at which the views and experiences of the public generally will be sought and considered by the Chair.

Procedure for interviews and public forums

12. At all formal interviews and public forums, the Chair will be accompanied by Counsel Assisting and/or members of the Inquiry staff. Provided notice is given in advance, any person or representative of a body or organisation may be accompanied at an interview by counsel or a support person.
13. The Chair in addition, may request or require others to attend interviews, as she considers appropriate and may convene further interviews or seek information at any time.

Times for interviews and forums

14. In consultation with Inquiry staff, all initial meetings and formal interviews will be arranged as far as possible at dates, times and venues that accommodate the needs of those attending.
15. Public forums, their dates, times and venues will be advertised widely.

Core Participants

16. The Inquiry may designate individuals or organisations as Core Participants as provided in s17 of the Act. An individual or organisation may, by application in writing addressing the applicable grounds under s17 of the Act, seek designation as a Core Participant.

Community Reference Group

17. The Chair will establish a Community Reference Group to advise and assist her in ensuring that a wide range of views and experiences are communicated to her.
18. The Community Reference Group will be advisory only and will have no decision-making powers. To ensure that it is of manageable size, it is unlikely to be a fully representative group.
19. Although the Chair will not be confining her enquiries to the Christchurch region, the Community Reference Group is likely to be formed solely from members of that community.
20. The terms of reference for a Community reference Group will be published on the website.

Media

21. Subject to the powers contained in s15 of the Act, media will be entitled to attend all public forums¹.

Inquiry records

22. A separate minute relating to Inquiry Records will be issued.

Public Inquiry into the Earthquake Commission

First issued under the authority of the Inquiry Chair, Dame Silvia Cartwright, on 28/01/2019.

Re-issued under the authority of the Inquiry Chair, Dame Silvia Cartwright, on 16/05/2019, to update links and to add footnote 1.

¹ Media should note that this is subject to paragraphs [12 – 15] of Minute 3