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Hon Brooke van Velden, Minister of Internal Affairs

Royal Commission into COVID-19 Lessons - proactive release of documents related to public consultation on expanding the terms of reference

12 March 2024

The following documents have been proactively released:

31 January 2024, Cabinet paper 'Royal Commission of Inquiry into COVID-19 Lessons – public consultation on expanding the Inquiry's terms of reference'

31 January 2024, 100-24-MIN-0007: Cabinet 100-Day Plan Committee: Minute of Decision

7 February 2024, CAB-24-MIN-0018: Cabinet: Minute of Decision

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[In Confidence]

Office of the Minister of Internal Affairs

Chair, Cabinet 100-Day Plan Committee

Royal Commission of Inquiry into COVID-19 Lessons – public consultation on expanding the Inquiry’s terms of reference

Proposal

- 1 This paper seeks agreement to the question for public consultation on expanding the terms of reference for the Royal Commission of Inquiry into COVID-19 Lessons (the Royal Commission).

Relation to government priorities

- 2 The Government has committed in its Coalition Agreements to expand the terms of reference for the Royal Commission.

Background

- 3 On 5 December 2022, Cabinet agreed to the Royal Commission’s terms of reference, and to appoint Professor Antony Blakely as the Chair, and Hon Hekia Parata and John Whitehead as members. It also agreed to provide \$15.470 million in funding to cover the costs of the Royal Commission [CAB-22-MIN-0552 refers].
- 4 The current purpose of the Royal Commission is to strengthen Aotearoa New Zealand’s preparedness for, and response to, any future pandemic by identifying those lessons learned from New Zealand’s response to COVID-19 that should be applied in preparation for any future pandemic. The Royal Commission is currently required to deliver a report with recommendations by 30 September 2024, following the approval of a three-month extension by Cabinet in August 2023 [CAB-22-MIN-0388 refers].
- 5 The ACT-National and NZ First-National coalition agreements both contained policies to broaden the set of issues that a Covid-19 inquiry should cover, and should entail greater public input. This was in response to public concern that the current terms of reference for the Royal Commission inquiry were too narrow. I believe expanding the terms of reference is the most effective way of enabling a more fulsome inquiry into how the pandemic was handled in New Zealand.
- 6 On 20 December 2023, I took an oral item to the Cabinet Business Committee about changing the terms of reference for the Royal Commission into COVID-19 Lessons [CBC-23-MIN-0030 refers].
- 7 Following authorisation by the Acting Prime Minister for the Committee to have Power to Act, the Committee:

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- 7.1 noted that the Government has committed in its Coalition Agreements to expand the terms of reference for the Royal Commission;
- 7.2 agreed that the Minister of Internal Affairs would write to the Royal Commission informing them of this commitment before the end of 2023; and
- 7.3 invited the Minister of Internal Affairs to report back to Cabinet in early 2024 with the proposed expanded terms of reference.
- 8 On 21 December 2023, I sent a letter to the Chair of the Royal Commission, requesting that the Royal Commission includes public feedback on the additional terms of reference during its planned public input process. My letter noted I will confirm the exact wording of the matters for public consultation with the Royal Commission Secretariat in late January 2024. The Chair replied to my letter on 18 January, confirming that the Royal Commission will accommodate the request.

I seek agreement to the question for public consultation on the expanded terms of reference for the Royal Commission

- 9 I seek agreement to the following question for public consultation on the terms of reference for the Royal Commission:
- 9.1 The coalition Government is committed to expanding the terms of reference for the Royal Commission of Inquiry into COVID-19 Lessons based on public input. The Government proposes including these terms of reference, in addition to the Royal Commission's current terms of reference. Do you have specific feedback on the inclusion of these topics?
- Use of multiple lockdowns
 - Vaccine procurement and efficacy
 - The social and economic impacts on both regional and national levels
 - Whether the decisions made, and steps taken, were justified
 - The cost-effectiveness of the Government's policies, and whether the rules set by the Government appropriately balanced Covid-19 elimination with other goals
 - The Government's utilisation of partnerships with business and professional groups
 - The extent of disruption to New Zealanders' health, education and business as a result of the Government's policies
 - If the Government's response was consistent with the rule of law
 - How New Zealand's pandemic preparedness compared to other countries
- 10 Submitters will have a free text box with a word limit of 250 words.

Next steps

- 11 Subject to agreement, I will advise the Royal Commission of the question to be used for consultation on the terms of reference.
- 12 The public can make submissions through an online portal, accessed via Covid-19inquiry.nz. The online portal will also provide the public with an opportunity to share their experiences of COVID-19 with the Royal Commission for the purposes of its inquiry.
- 13 Consultation will commence on 8 February and conclude on 24 March 2024.
- 14 I expect to see the results of public submissions in April, at which time I will consider appropriate changes to the Royal Commission's terms of reference, in light of any membership, time and cost implications. A two-step Cabinet paper process will then follow in May and June, to give effect to any changes.

Legislative Implications

- 15 Subject to Cabinet decisions, an Amendment Order in Council will be required to give effect to any changes to the Royal Commission's terms of reference. This will accompany the Cabinet paper in June 2024 indicated above.

Impact Analysis

- 16 The impact analysis requirements do not apply for this paper as it does not propose anything that involves the potential introduction of new legislation or changes to or the repeal of existing legislation.

Population Implications

- 17 The proposed expanded terms of reference would inquire into the social impacts on both regional and national levels as well as the extent of disruption to New Zealanders' health, education and business. No impacts of public consultation on expanding the terms of reference have been identified for specific population groups.

Human Rights

- 18 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 19 The Department of the Prime Minister and Cabinet has been informed of the contents of this paper. No other government agencies were consulted. All three parties of the Coalition Government have been consulted.

Communications

- 20 Subject to decisions, I intend to issue a media statement about the opportunity for the public to make submissions on the Royal Commission's terms of reference.
- 21 The Royal Commission has developed a publicity approach that will promote its own public input process and the Government's consultation on the terms of reference. Publicity will involve mainstream print, radio and some social media.

Proactive Release

- 22 I intend to proactively release this paper within 30 business days, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

The Minister of Internal Affairs recommends that the Cabinet 100-Day Plan Committee:

Background

- 1 **note** that, on 20 December 2023, the Cabinet Business Committee, having been authorised by the Acting Prime Minister to have Power to Act:
- 1.1 noted that the Government has committed in its Coalition Agreements to expand the terms of reference for the Royal Commission;
 - 1.2 agreed that the Minister of Internal Affairs write to the Royal Commission informing them of the above before the end of 2023;
 - 1.3 invited the Minister of Internal Affairs to report back to Cabinet in early 2024 with the proposed expanded terms of reference;

[CBC-23-MIN-0030 refers]

Consultation on the terms of reference

- 2 **agree** to the following question for public consultation on the terms of reference for the Royal Commission:

The coalition Government is committed to expanding the terms of reference for the Royal Commission of Inquiry into COVID-19 Lessons based on public input. The Government proposes including these terms of reference, in addition to the Royal Commission's current terms of reference. Do you have specific feedback on the inclusion of these topics?

- Use of multiple lockdowns
- Vaccine procurement and efficacy
- The social and economic impacts on both regional and national levels
- Whether the decisions made, and steps taken, were justified

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- The cost-effectiveness of the Government's policies, and whether the rules set by the Government appropriately balanced Covid-19 elimination with other goals
- The Government's utilisation of partnerships with business and professional groups
- The extent of disruption to New Zealanders' health, education and business as a result of the Government's policies
- If the Government's response was consistent with the rule of law
- How New Zealand's pandemic preparedness compared to other countries

Next steps

- 3 **note** that public consultation on the Royal Commission's terms of reference will commence on 8 February 2024 and conclude on 24 March;
- 4 **note** that the Minister of Internal Affairs expects to see the results of public submissions in April 2024, at which time the Minister will consider appropriate changes to the Royal Commission's terms of reference, in light of any membership, time and cost implications;
- 5 **note** that a two-step Cabinet paper process will then follow in May and June, with the latter including an Amendment Order in Council, which will be required to give effect to any changes to the Royal Commission's terms of reference;

Communications

- 6 **note** that the Minister of Internal Affairs intends to issue a media statement about the opportunity for the public to make submissions on the Royal Commission's terms of reference.

Authorised for lodgement

Hon Brooke van Velden

Minister of Internal Affairs



Cabinet 100-Day Plan Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Royal Commission of Inquiry into COVID-19 Lessons: Public Consultation on Expanding the Inquiry's Terms of Reference

Portfolio Internal Affairs

On 31 January 2024, the Cabinet 100-Day Plan Committee, having been authorised by the Prime Minister to have Power to Act:

Background

1 **noted** that in December 2023, the Cabinet Business Committee:

- 1.1 noted that the Government has committed in its Coalition Agreements to expand the terms of reference for the Royal Commission of Inquiry into COVID-19 Lessons (the Royal Commission);
- 1.2 agreed that the Minister of Internal Affairs write to the Royal Commission informing them of the above before the end of 2023;
- 1.3 invited the Minister of Internal Affairs to report back to Cabinet in early 2024 with the proposed expanded terms of reference;

[CBC-23-MIN-0030]

Consultation on the terms of reference

2 **agreed** to the following question for public consultation on the terms of reference for the Royal Commission:

2.1 The coalition Government is committed to expanding the scope of the Royal Commission of Inquiry into COVID-19 Lessons based on public input, by adding additional topics to the terms of reference. Do you have specific feedback on the inclusion of these topics?

- 2.1.1 use of multiple lockdowns;
- 2.1.2 vaccine procurement and efficacy;
- 2.1.3 the social and economic impacts on both regional and national levels;
- 2.1.4 whether the decisions made, and steps taken, were justified;

- 2.1.5 the cost-effectiveness of the Government's policies, and whether the rules set by the Government appropriately balanced COVID-19 elimination with other goals;
- 2.1.6 the Government's utilisation of partnerships with business and professional groups;
- 2.1.7 the extent of disruption to New Zealanders' health, education and business as a result of the Government's policies;
- 2.1.8 if the Government's response was consistent with the rule of law;
- 2.1.9 how New Zealand's pandemic preparedness compared to other countries;

Next steps

- 3 **noted** that public consultation on the Royal Commission's terms of reference will commence on 8 February 2024 and conclude on 24 March 2024;
- 4 **noted** that the Minister of Internal Affairs expects to see the results of public submissions in April 2024, at which time the Minister will consider appropriate changes to the Royal Commission's terms of reference, in light of any membership, time, and cost implications;
- 5 **noted** that a two-step Cabinet paper process will then follow in May and June 2024, with the latter including an Amendment Order in Council, which will be required to give effect to any changes to the Royal Commission's terms of reference.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Christopher Luxon (Chair)
Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis
Hon Chris Bishop
Hon Dr Shane Reti
Hon Brooke van Velden
Hon Shane Jones
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Judith Collins

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet



Cabinet

Minute of Decision

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Report of the Cabinet 100-Day Plan Committee: Period Ended 2 February 2024

On 7 February 2024, Cabinet made the following decisions on the work of the Cabinet 100-Day Plan Committee for the period ended 2 February 2024:

Out of Scope

100-24-MIN-0007 **Royal Commission of Inquiry into COVID-19 Lessons: Public Consultation on Expanding the Inquiry's Terms of Reference** CONFIRMED
Portfolio: Internal Affairs

Rachel Hayward
Secretary of the Cabinet