

Thomas Coughlan: Jacinda Ardern right not to front Covid-19 inquiry



Opinion by
Thomas Coughlan

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Thomas Coughlan, Political Editor at the New Zealand Herald, loves applying a political lens to people's stories and explaining the way things like transport and finance touch our lives.

THE FACTS

- **Former Prime Ministers Dame Jacinda Ardern and Chris Hipkins and former minister Dr Ayesha Verrall have refused a request to appear in public before the Covid-19 Royal Commission.**
- **Phase two of the royal commission, with expanded terms of reference, had asked the ex-ministers to appear in public.**
- **The Government has criticised them for not doing so.**

The question of whether former Prime Minister Dame Jacinda Ardern and members

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strong.

The first is that there is a “convention that ministers and former ministers are interviewed by inquiries in private” and departing from that convention would “undermine rather than enhance” public confidence.

It's true former ministers don't often appear before inquiries or royal commissions, but Ardern's own Government must remember that if it is a “convention” it has rather large and common exceptions.

The inquiry (not a full royal commission) into Operation Burnham, which started under the Ardern Government, [grilled former defence minister Wayne Mapp in public](#).

Mapp defended himself eloquently saying “decisions were made, others will judge them” – words Ardern herself might have used had she chosen to appear.

If it was good enough for Mapp, surely it's good enough for Ardern and her colleagues.

The former ministers' second point, that public hearings would be “performative rather than informative” because the ministers have already co-operated with the inquiry and answered all questions put to them in private, is much stronger.

These public hearings are more performative than informative, but those ministers will remember from the pandemic that just because something is performative, it doesn't mean it is without value or purpose.

The third point is the weakest: the livestreaming and publications of recordings of the hearing risk being “tampered with, manipulated or otherwise misused”.

Sadly, this is a fact of modern life, but it's a fact almost every other public figure manages to live with, including those former ministers who relentlessly used livestreams to their advantage during the pandemic and who continue to appear in public in forums that could be tampered and manipulated.

The same risk applies to Ardern's recent hour-long sitdown with Oprah Winfrey, or any of the other appearances she's made recently to promote her book. If she can sit down in public with Oprah, then she can do the same with [Grant Illingworth, the inquiry chairman](#).

There are bigger questions, however, beyond these objections – and those questions narrowly stack up in favour of Ardern's decision not to appear.

The first is what purpose these public hearings of the royal commission serve.

The Labour Government initiated a royal commission into the Covid-19 response – rightly, given the magnitude of the disaster and the decisions that were taken.

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There was nothing seriously wrong with the inquiry's terms of reference, although exclusions including investigating specific [monetary policy decisions](#) were a [mistake](#), particularly given some of the most contentious and harmful effects of the pandemic were more to do with the monetary policy-driven economic response than the clinical side of things.

There was a feeling among NZ First and Act that the terms of reference screwed the scrum in favour of a glowing final report and that things such as vaccine efficacy, a sore point for many New Zealanders, were ignored.

The new Government ordered the second phase of the Royal Commission to have expanded terms of reference looking into things such as vaccine efficacy and more specific direction to look into the costs and benefits of lockdowns.

There's nothing wrong with these terms of reference either. The Covid-19 vaccines were effective (although not as much as was hoped), but it can't hurt to have a royal commission tell us that they were.

Decisions around the trade-offs also need to be probed in detail. Did the length of the Auckland lockdown, particularly the last weeks, adequately balance health risks with economic and social harm?

It's not the terms of reference that are the problem for phase two, but the timeframe to which those terms apply: February 2021 to October 2022, a period that neatly excludes Winston Peters' stint as Deputy Prime Minister during the first year of the pandemic and the first lockdown.

For the good of the inquiry, the Labour ministers swallowed their pride and co-operated behind closed doors, but they're quite right to be concerned the timeframe of phase two looks like it's been set up to tear apart their record. A broader timeframe, dating back to the emergence of the virus, would have been fairer.

This brings us back to the original question: what are these public hearings intended to solve?

This is not a case of there being no questions to ask. There are questions to ask. That government borrowed tens of billions of dollars, money New Zealanders now owe and must pay back. There's a danger, in making this decision, Ardern looks as if she owes nothing to the people who now owe so much thanks to her government. Those questions should be asked. The question here though, is whether they should be asked in public.

There's something very democratic about humbling powerful ex-politicians through forcing them to answer for their actions in public. The British Covid inquiry's grilling of [ex-Prime Minister Boris Johnson](#) fulfilled this function. It levels leaders in a way that's healthy for a democracy that functions on the principle that leaders are the equals of those they lead. It also gives some justice to the people whose lives were upended by the decisions Ardern took. If Ardern can use her voice to flog a book, she can use it to answer their questions.

But this can be unhealthy too, particularly, as Labour's ministers argued, if the public, performative part of the inquiry overleaps its purpose as an information-gathering exercise.

What some of the royal commission hawks seem to want is not an inquiry, but a trial in which Ardern and her colleagues take the stand and serve a punishment of brief, livestreamed public grilling for their perceived crimes.

Some countries do punish former governments by way of trials, but they're usually not countries we aspire to be. Here, governments are punished by way of the ballot box and Labour was certainly dealt a hefty punishment there.

A royal commission can be established by any Government for any matter. It would set a dangerous precedent for incoming governments to use it to pillory their forerunners.

A future Labour Government may set up an inquiry to grill Simeon Brown on the state of the health system, or Chris Bishop and Tama Potaka on the consequences of their emergency housing policy changes.

Governments already commission a raft of inquiries into the mistakes of their forebears, be it at Whaikaha, Kāinga Ora under National, or, under Labour, at NZTA, Housing NZ, and even the Operation Burnham inquiry.

As governments get progressively worse at making life better, they seem to have developed a remarkable facility for ever more wonderful ways of blaming their predecessors.

Their time would be better spent focusing on the present.