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Not angry, just a bit disappointed

Putting politics aside, should the key leaders of New Zealand's pandemic response have fronted their track record in public? Let's try to be fair minded about this.



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New Zealand's Royal Commission of Inquiry into the Covid-19 Pandemic Response was launched to identify lessons from the government's actions during the pandemic. It was inevitable that we would have such an inquiry, given the unprecedented nature

of the state response to the crisis. What became more controversial was the question of what the inquiry would examine.

The ripper rugby stage

This initial phase commissioned by the last Labour government was largely exploratory and non-confrontational, emphasising "lessons learned" to improve future preparedness rather than assigning blame. It was very much a "softball" approach that avoided scrutiny of government officials.

This meant any critique of government decision-making was indirect, filtered through the observations of frontline witnesses rather than put to the decision-makers themselves.

The tackle rugby stage

When the government changed, the commission was extended to include a second phase. This widening was framed as an opportunity to publicly scrutinise the critical pandemic decisions themselves.

Phase II is meant to provide the accountability that Phase I had sidestepped. This is something the Commission's chair, Hon. Grant Illingworth KC, acknowledged. He noted that it would "enhance public confidence" in the inquiry by allowing New Zealanders a public forum in which hard questions would be asked in a respectful, fact-focused manner.

Traditionally, New Zealand inquiries often take evidence from ministers behind closed doors rather than in public, to encourage candour and discourage grandstanding. Phase I followed that tradition closely. However, this approach does risk some important things being left unsaid.

The view from the top

The absence of the actual decision-makers – the Cabinet members who ordered lockdowns, closed borders, spent billions on stimulus and health measures – meant obvious questions of accountability were deferred. Witnesses in Phase I described hardships under lengthy lockdowns and shortcomings in health system preparedness, but only the architects of those policies could explain or defend those choices, and they had yet to do so publicly.

Phase II was designed to be that moment of accountability. The plan was to hold a second week of hearings, in public, featuring the former Prime Minister and key ministers involved in the pandemic response. While this would be a marked departure from the norm, Commission chair Illingworth noted the Covid-19 pandemic affected every New Zealander, so it was important for people to see and hear explanations of pivotal choices directly from those who made them.

In theory, this transparency could bolster public trust. After all, if the former leaders were proud of their decisions, why not account for them openly?

Being honest about the politics

However, Phase II carries a whiff of political theatre. Notably, the terms of reference excluded examination of the period when NZ First was part of the Covid response in 2020. There is no principled reason why decisions made during the first year of the

pandemic, when Jacinda Ardern's Labour-led government included NZ First's ministers, should be off-limits in Phase II's review.

There is, however, a very good political reason. NZ First then went along with a lot of things that it now claims to oppose. The opportunities for embarrassment were obviously too much for the party to bear.

Reasons for the no show

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Central figures of New Zealand's pandemic response - Jacinda Ardern, Grant Robertson, Chris Hipkins and Ayesha Verrall - informed the Commission that they would not attend the public hearings scheduled for Phase II. This collective no-show effectively forced the Commission to cancel the week-long public session it had planned.

They did not refuse to cooperate with the inquiry altogether. All four had already given extensive evidence in private interviews and through written statements to the Commission. In Ardern's case, she had sat for a private interview of about three hours and remained available to respond to follow-up questions. Hipkins likewise had been interviewed (he noted that the Commission actually ran out of questions before his allotted time was up).

The former ministers maintain that they have fully shared their knowledge with the inquiry behind closed doors – they simply chose not to repeat that exercise on camera in a public forum.

Various other reasons have been given

Are there other reasons, beyond redundancy, that these leaders – who day after day during the crisis stood at press conferences and answered questions – would now balk at a public hearing?

The ministers and their media surrogates have given three other reasons:

- It is argued that in New Zealand, there is an expectations that sitting or former ministers give evidence to inquiries in private rather than in open session. Departing from this norm, they argued, could undermine confidence in the process.
- Concern has been expressed about the live broadcast and recording of the hearings. The ministers warned that video or audio of their testimony could be "tampered with, manipulated or otherwise misused" in social media and partisan commentary.
- The risk of stoking further backlash, given how polarising pandemic decisions have been in hindsight, with pockets of the public angry over lockdowns, vaccines and economic impacts remaining.

Not without merit, but not the full story either

The Commission's response was understanding if not enthusiastic. Chairman Illingworth made clear he could compel their attendance (Royal commissions can do this) but decided against it. Forcing them on the stand would make the process adversarial for not enough gain in terms of new insights.

At the same time, Illingworth openly acknowledged that something was being lost: he said the public hearings were intended to "increase transparency and public

confidence", recognising that not having the ministers face questions in public detracts from those goals.

Outrage, accusations and defensiveness

The reaction to the no-show has been predictably divided. The governing parties and their supporters have expressed outrage and accused the ex-leaders of dodging accountability, while allies of Ardern's government have rejected the necessity of this form of public accountability.

Beyond the partisan realm, many ordinary New Zealanders who dutifully followed rules and sacrificed during the pandemic feel they deserve to see the decision-makers answer questions in public. For them, the refusal smacks of arrogance or evasion.

New Zealanders have always valued transparency in government. Ardern's government was remarkably open in communicating during Covid – those daily 1pm press conferences became a fixture of national life. That former openness now looks like hypocrisy.

Transparency versus tradition

How should the public judge the decision of Jacinda Ardern and her ministers not to appear at the Covid inquiry's public hearing? We need to balance competing principles:

- **The Inquiry's Integrity:** The inquiry's fact-finding hasn't been thwarted. The Royal Commission still has all the written and oral evidence from the former ministers; they did not refuse to engage altogether. In private, they apparently answered every question posed to them and Illingworth himself is confident that "the former ministers declining to attend the hearing does not hamper [the inquiry] in obtaining the information we need."
- **The Value of Public Accountability:** Process and presentation do matter in a democracy. Transparency isn't just about what information is gathered; it's also about allowing citizens to witness accountability. There is symbolic and cathartic value in seeing public officials stand up and answer uncomfortable questions. When leaders voluntarily explain themselves in a public forum, it signals respect for the people they serve. Conversely, refusing to do so – even for arguably valid reasons – is bad for public trust.
- **Precedent and Fairness:** Ardern and her ministers followed a playbook used in prior inquiries – indeed, compelling ministers to testify publicly would have been breaking new ground in NZ's recent history.
- **Political Reasons Against:** This inquiry's Phase II became a political football – something of which even the best-intentioned former ministers would have been wary. The current government had political capital invested in making them appear; the former ministers had political instincts telling them not to walk into a potentially hostile arena designed (in their view) by political rivals.
- **Political Reasons In Favour:** On the other hand, had the same ministers not tried to insulate themselves so thoroughly during Phase I, much of the criticism they are now facing would sting less. Any uncomfortableness they feel now can be sheeted home, in part, to their desire to minimise the risk of accountability earlier. The former ministers' high-minded reasons – while possibly valid – conveniently align with their personal interest in avoiding a public grilling.

This decision deserves neither vilification nor dismissal as inconsequential.

The decision by Ardern and her colleagues to take a cautious approach to what they feared could become a spectacle remains a double-edged sword in terms of public judgment. But leadership often demands going beyond the bare minimum of cooperation.

Given the enormity of the Covid-19 crisis and its ongoing impacts, it's not unreasonable to feel those leaders owe the public that extra measure of transparency (even if mostly symbolic) to stand accountable in the open. By forgoing that, they risk fostering cynicism.

While the former ministers' rationale can't be dismissed outright, they have misjudged the public's appetite for a clear display of accountability. In an age of distrust, erring on the side of openness is usually the better course. Given the enormity of the Covid-19 crisis and its ongoing impacts, it is not unreasonable to expect leaders to go beyond the bare minimum of cooperation and stand accountable in the open.

By forgoing that, they risk deepening cynicism — and reminding us why future inquiries must be structured from the start to guarantee transparent, public accountability.

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Winston Moreton 14 Aug Edited

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♥ Liked by Liam Hehir

An epidemic is a national emergency and in 2020 the then government appointed a multi-party Epidemic Committee chaired by National Party's Simon Bridges. He defied distancing regulations and in my opinion acted politically rather than collegially. It was in fact a Pandemic and as such it's importance transcends politics. There are other nations engaged in C19 enquiries, many aimed at attributing blame, with finger pointing at Wu Han.

Few nations with the good results NZ achieved in terms of keeping us kiwi alive are raking over the coals to the extent we now are.

Those politicians, like Peters, who grandstanded among the protesters outside the Beehive deserve censure. The fact that the same politician, Peters, has ensured the earlier days of the government response, when he was part of that government, not be examined speaks for itself. It's called having it both ways.

Personally I'm pleased the Commissioner has made the call to rely on the evidence before him. It will save money and time. And I am looking forward to learning how, with hindsight, we might do better when the next Pandemic hits.