

Can the Government unseat the chair of the Covid-19 inquiry - and at what cost?



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OPINION

The Public Purse is a fortnightly *Herald* column focused on the public sector and how taxpayer money is spent.

The new Government has begun the process of broadening the remit for the Covid-19 Royal Commission Inquiry.

On February 8, the Commission began soliciting public feedback on the current terms of reference, which are [drawn so tightly](#) that all of the main Opposition parties objected to them when they were announced by the previous Government in late 2022.

At the request of the new Minister of Internal Affairs Brooke van Velden, the commission is now canvassing the question of whether the inquiry's terms of reference - which set out what it will and won't cover - should expressly include such matters as: vaccine procurement and efficacy; the cost-effectiveness of the Government's policies; whether the rules set by the Government appropriately balanced Covid elimination with other goals; and whether schoolchildren and education got short shrift.

It is clear that van Velden does not intend to simply scrap the current inquiry. She told the *Herald*: "The Royal Commission has been gathering information and evidence since its inception. Restarting the inquiry would mean that a new inquiry would need to repeat the information-gathering process, which I believe is not conducive to efficient use of time and resources."

It's likely that, all up, starting fresh would cost in the order of \$30 million. The cost of the current inquiry is expected to top \$17m. The original budget was \$15.47m and in October, the last Government approved a further \$1.3m to buy a three-month extension. The completion date was pushed out from June to the end of September this year.

The single largest expense is a secretariat with some 31 fulltime-equivalent staff, housed within the Department of Internal Affairs. Its job is to provide all of the organisational and administrative work that underpins the commission's work, including some 300 meetings with groups and individuals to date.

In addition, over \$1m is budgeted for a team of roughly six fulltime equivalent staff within the Department of Prime Minister and Cabinet (it was as high as eight last year) who have been working with government agencies, co-ordinating the provision of information to the Commission.

The sunk cost of the current inquiry would easily top \$10m, before a new one was even conceived.

A key problem in simply bolting new terms of reference on to the current work is that it leaves in place the last Government's choice of chair: epidemiologist Tony Blakely.

Blakely is a New Zealander and a professor at the University of Melbourne. He is esteemed in his field.

He is also closely linked to key players in New Zealand's elimination response to the pandemic, including public health physicians Michael Baker and Nick Wilson of the University of Otago, with whom he authored the paper: *Elimination could be the optimal response strategy for Covid-19 and other emerging pandemic diseases*, published in the *BMJ* in 2020.

He provided extensive commentary in the media as the pandemic unfolded.

The *Herald* asked if Blakely ever provided advice to the New Zealand Government or to government officials, including then director-general of health Ashley Bloomfield, related to New Zealand's response to the pandemic, either directly or through any of its independent advisory groups.

The Royal Commission secretariat said in a statement that Blakely "was not formally engaged by any New Zealand Government appointed Covid-19 advisory groups".

"Prof. Blakely did maintain his usual professional networks and connections with New Zealand public health specialists, as he did with specialists around the world and in Australia during the Covid-19 period."

That's simply too close for many observers, including Deborah Chambers KC, [who aired her views](#) in the *Herald* last year. "Putting an epidemiologist in charge of this inquiry is like putting a rabbit in charge of the lettuce garden," she wrote.

However, removing the chair of a sitting Royal Commission of Inquiry is no mean feat.

According to Professor Philip Joseph, an expert in public law at the University of Canterbury: "The grounds for removal are very tightly circumscribed under the [Inquiries] Act. One might argue that someone should not have been appointed in the first place, but that is not a ground for removal. There would need to be shown: misconduct on the part of the chair, or a chair who cannot attend to duties or who neglects his duties."

These very narrow grounds are intended to guard the independence of such inquiries and to protect them from becoming political footballs.

And it is for this reason too that the Inquiries Act contains no provisions for the termination of a Royal Commission, save for a single reason. “There is what you might call a happenstance power [to terminate] in this case. The act is very explicit. If there is a vacancy in membership, the inquiry can be terminated,” Joseph said.

Commissioner Hekia Parata resigned from the inquiry for personal reasons and left in November (Blakely and commissioner and economist John Whitehead remain). Parata’s role has not been filled.

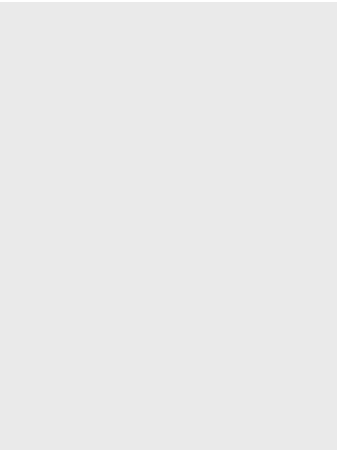
Though the cost would be high and the precedent of scrapping an independent Royal Commission jarringly political (regardless of the circumstances of its establishment), it is entirely within van Velden’s power to start again.

She has decided not to, but that’s not the end of the matter. When asked by the *Herald*, van Velden declined to confirm that she has confidence in Blakely. And neither did she confirm, when asked, whether she is recruiting to fill one vacancy on the commission or two. After all, there is nothing stopping her from simply asking Blakely to go. He doesn’t have to resign, but that doesn’t mean he won’t.

Kate MacNamara is a South Island-based journalist with a focus on policy, public spending and investigations. She spent a decade at the Canadian Broadcasting Corporation before moving to New Zealand. She joined the *Herald* in 2020.

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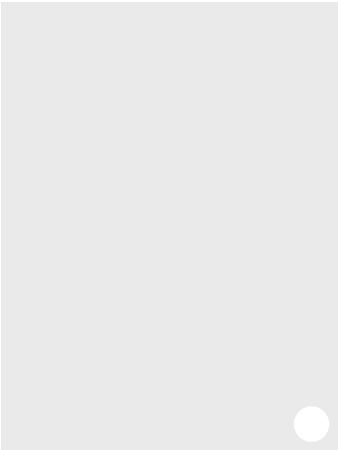
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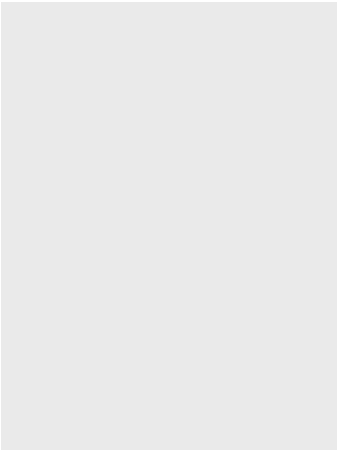
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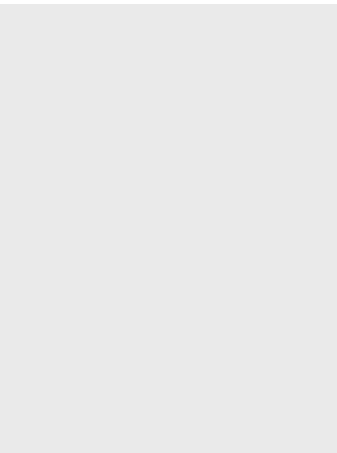
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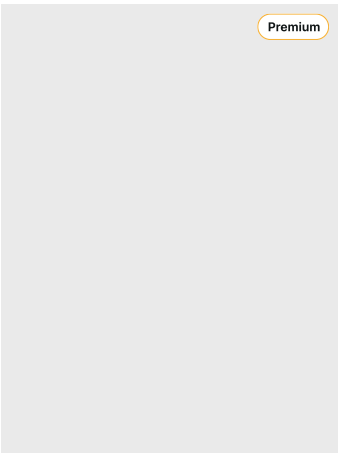
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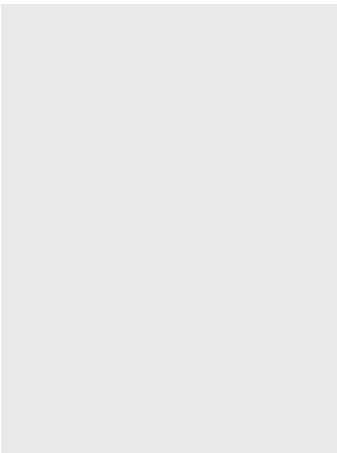


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