

# The commission's operations and structure

## Role of the public sector

The commission operated independently of government but relied on government agencies for support. Funding of the commission was through the Department of Internal Affairs. The department provided information technology and administrative support in Wellington, including moving the office from Christchurch, and Greymouth. The Ministry of Justice made the Greymouth District Court available for the hearings, and worked closely with the commission secretariat on arrangements for each hearing session. The National Transcription Service provided daily transcripts of proceedings. Other government agencies supported the commission by seconding people.

## Structure

The core commission team needed legal, analytical, information management, communications and administrative support to ensure an efficient inquiry process. A team of 14 people employed either on secondment or on contract, full time and part time, supported the three commissioners in their work.

### **The secretariat**

An executive director led a secretariat consisting of two administrative support staff, three policy analysts, a legal analyst, an information officer, an investigator, a communications adviser and a legal secretary.

The executive director worked with the Department of Internal Affairs and the commissioners to establish operational aspects of the commission and to ensure its administration met public sector requirements.

The executive director's key responsibilities included employing and managing staff, managing the budget and financial accountabilities, managing risk, managing relations with stakeholders and other interested parties, and family liaison.

The executive director role was filled by a Department of Internal Affairs senior manager for five months during the set-up phase, including relocation to Wellington. A permanent replacement executive director was appointed on secondment from Inland Revenue from May 2011 until the completion of the commission's work, including its disestablishment in November 2012.

Analysts were charged with reviewing, analysing and evaluating the tens of thousands of documents submitted to the inquiry. Their key responsibilities were analysing and summarising evidence, liaising with counsel assisting and co-ordinating and engaging experts as required to supplement, analyse or interpret the information the commission had to consider.

An information officer was employed to manage the evidence database, ensure security of the documents held by the commission, make them available electronically, and manage the transfer of all the commission's records to Archives New Zealand at the end of the inquiry under the provisions of the Public Records Act 2005.

A former senior police officer was employed as an investigator. He examined evidence, briefs and transcripts and identified missing information, interviewed witnesses, helped to prepare some witness statements, supported counsel assisting with hearings preparation, and was available to any participant without legal counsel or intending witnesses who needed help providing information to the commission.

<b>Karyn Basher</b> – Senior Legal Analyst	<b>Ruth Locker</b> – Executive Administrator
<b>Anne Carter</b> – Executive Director	<b>Jim McNicholas</b> – Senior Analyst
<b>Sue Duffy</b> – Executive Administrator	<b>Meirwen Pride</b> – Information Officer
<b>Julie Hooper</b> – Secretarial support	<b>Ellen Spear</b> – Legal Secretary
<b>Anna Hughes</b> – Communications Advisor	<b>Neville Stokes</b> – Investigator
<b>Katherine Ivory</b> – Senior Analyst	<b>Emily Su’a-Dunn</b> – Executive Administrator
<b>Vanessa Johnson</b> – Executive Director	<b>David Williment</b> – Senior Advisor
<b>Lynley Jones</b> – Information Officer	<b>Sandi Wilson</b> – Legal Secretary

**Figure A.3: Secretariat over the life of the commission**

### **Counsel assisting**

Three barristers were appointed as counsel assisting the commission. Their task was to represent the public interest and facilitate the commission’s work. Their role included making opening statements at hearings, providing advice and liaising with participants and other counsel, facilitating the provision of evidence, resolving procedural issues and examining witnesses at hearings. They were assisted by the legal analyst who also worked with the commission’s analyst team during the policy phase.

### **Recruitment**

The Department of Internal Affairs provided people to support the setting up of the commission, including an executive director and communications support. Inland Revenue, the Department of Internal Affairs, the Department of Corrections and the Crown Law Office provided four people on secondment. Others were contracted to the commission.

## Operating principles

The commission’s structure, its operating model and its way of working had to contribute to its independence, integrity and credibility. Its aim was to be fair, open, thorough, but also expeditious, professional and accessible. Wherever possible, the commission tried to use efficient, appropriate and economic processes.

## Risk and financial management

The commission established a number of tailored frameworks, policies and processes that adhered to sound risk and financial management practices and reflected the size of the team and the short life of the commission.

### **The risk management framework**

The commission’s short-term nature brought with it an abundance of risks and issues. The commission adopted a risk management framework based on the AS/NZS ISO 31000:2009 standard, ensuring the identification of likely risks, their potential impact and the associated mitigations. Risk and issues registers were developed, reviewed and updated for the preparation and running of the public hearings, information technology and the more general conduct of the inquiry. The executive director facilitated the risk management process involving all commission personnel. Risks were reviewed with commissioners on an agreed timeframe based on the severity of the risk.

### **Related interests and conflict of interest framework**

The commission’s framework followed that of the Australian 2009 Victorian Bushfires Royal Commission. The existence of a related interest was not grounds for an automatic exclusion from the commission. The appropriate mitigation and management strategy depended on the nature of the related interest disclosed.

## Financial management

Separate funding was approved by the government. It was difficult to estimate the funds needed until the commission had had time to consider its terms of reference and its processes. Cabinet approved initial appropriations<sup>3</sup> of \$0.456 million for the commissioners' fees and \$1.169 million for costs associated with the commission for the 2010/11 financial year only, and authorised ministers to approve additional funding to cover the rest of the commission.

Further appropriations of \$7.298 million for the commission were approved to cover the entire cost of the commission. This covered the costs for the commission itself as well as the costs of subsequent Cabinet decisions to fund legal representation for the families of the deceased miners, and legal assistance to the employees of, and contractors to, the Pike River Coal Mine, for which total provision of \$2.541 million was allowed.

In March 2012, Cabinet agreed to the commission's request for an extension of its reporting date with an associated increase in funding of \$1.577 million, bringing the total approved cost to \$10.500 million including the cost of legal representation for the families of the deceased miners, and legal assistance to the employees of, and contractors to, the Pike River Coal Mine.

The commission managed expenditure directly related to it, but funding for counsel for the families was managed by the Department of Internal Affairs and the Crown Law Office.

## Information management and technology and access to information

The commission ensured the flow and management of information and evidence between participants and the commission was efficient, user-friendly and cost-effective.

### Information technology

The commission needed a system that could cope with large amounts of data and numbers of documents, allowed simultaneous users and desktop access across two locations, allowed data and documents to be shared with external users, was secure and allowed information to be identified as confidential, could be used with courtroom presentation software, and was cost-effective.



Figure A4: Secure website home page

<sup>3</sup> The Treasury, 'Explaining Key Concepts: Appropriations', In Putting It Together: An Explanatory Guide to New Zealand's State Sector Financial Management System, 2011, [http://www.treasury.govt.nz/publications/guidance/publicfinance/pit2011/07.htm#\\_tocAppropriations](http://www.treasury.govt.nz/publications/guidance/publicfinance/pit2011/07.htm#_tocAppropriations). Appropriations are legal authorities granted by Parliament to the Crown or an office of Parliament to use public resources. Most appropriations are set out in appropriation acts presented as part of the government's budget package. They satisfy a requirement in the Constitution Act 1986 that the Crown cannot spend public money except by or under an act of Parliament. Appropriations are limited to a maximum level of spending, to a particular period, and to uses set by the scope statement (see Chapter Four). Appropriations are required for all expenses and capital expenditure.

Relying on the existing network infrastructure supported by the Department of Internal Affairs, the commission bought an off-the-shelf evidence management system, AD Summation iBlaze. A secure website using existing departmental technology was used to share information and documents with participants.

This meant the commission could store over 2000 core documents in a safe environment that was easily maintained, accessible and secure. Participants received password-protected access, which allowed them to see evidence received and examined by the commission and looked at during public hearings.

The commission worked with the Department of Internal Affairs and Archives New Zealand on the archiving of its records. The department's information technology network and expertise included ongoing maintenance and desktop support services.

### **Access to information and evidence**

By the end of the inquiry, the commission's evidential database contained over 67,500 documents, including graphs, maps, photographs, plans, spreadsheets and multimedia files. Decisions were needed about what would be accessible, and by whom.

Participants had to feel confident that the commission would use information received for the purposes of its inquiries. All those who accessed documents from the commission, other than publicly available information, were subject to an implied undertaking of confidentiality.

Three principles governed any release of information:

1. Information was provided to the commission for the purposes of its inquiries.
2. The commission would be open with its information wherever possible.
3. Release of any information, public or restricted, should not interfere with the commission's ability to inquire.

## Accommodation

The commission and staff worked from offices in Wellington and from the Greymouth District Court when hearings were in session.