

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER OF**

**A GOVERNMENT INQUIRY INTO  
OPERATION BURNHAM AND  
RELATED MATTERS**

Date of Minute: 25 February 2020

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**MINUTE No 22 OF INQUIRY**

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[1] The Inquiry has prepared a draft report containing its provisional views. The draft is subject to a confidentiality order.

[2] As foreshadowed in Minute No 21, the Inquiry is making the draft available for comment to core participants and their legal advisors, and to the Crown Law Office (on behalf of affected Crown agencies), on a strictly confidential basis. Each recipient of the draft will be required to provide a confidentiality undertaking before receiving a copy of the draft and must return his or her copy of the draft at the end of the consultation period.

[3] The Inquiry emphasises the need for confidentiality. The final report will differ in some respects from the draft. This will be the result of:

- (a) consultation with core participants;
- (b) the natural justice process, which is occurring in conjunction with the release of the draft for comment;
- (c) the fact that the Inquiry will take the opportunity of the time available to review the report as a whole.

To state the obvious, it will be the final report, not the draft, that speaks for the Inquiry.

[4] If core participants or the Crown Law Office wish to make submissions on the draft, they must be submitted in writing by 1pm on Friday 20 March 2020. We ask that submissions be concise and in any event no longer than 40 pages.

[5] The New Zealand Defence Force and the Crown Law Office will have the opportunity to speak to their submissions at a private hearing of the Inquiry on Tuesday 24 March and Wednesday 25 March 2020. Mr Hager will have the opportunity to speak to his submissions at a private hearing on Friday 27 March and Mr Stephenson at a private hearing on Wednesday 1 April.

[6] Following the presentation of submissions, the Inquiry will finalise its report, with a view to submitting it to the Attorney-General in May 2020 (an extension to the Inquiry's reporting date has been sought to accommodate this). There will be no further consultation with core participants or others unless a new natural justice obligation arises, and then the consultation will be limited to the person to whom the obligation is owed.



Sir Terence Arnold QC



Sir Geoffrey Palmer QC

Parties:  
Mr Radich QC for New Zealand Defence Force  
Mr Hager  
Mr Salmon for Mr Stephenson