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Departmental Notice

Commission of Inquiry into the Collapse of a Viewing Platform at Cave Creek Near Punakaiki on the West Coast

CATHERINE A. TIZARD, Governor-General
ORDER IN COUNCIL

To all to whom these presents shall come, and to:
GRAEME STUART NOBLE, District Court Judge:

GREETING:

Whereas on the 28th day of April 1995 a viewing platform at Cave Creek, near Punakaiki on the West Coast onto which persons had come to view scenic features collapsed:

And whereas the collapse of the viewing platform resulted in the deaths of 14 of those persons and injury to 4 others of them:

And whereas it is expedient that inquiry should be made into the cause and circumstances of the collapse and matters incidental thereto:

Now, therefore, pursuant to the Commissions of Inquiry Act 1908, I, Dame Catherine Anne Tizard, the Governor-General of New Zealand, acting by and with the advice and consent of the Executive Council, hereby appoint you, Graeme Stuart Noble, to be a Commission to inquire into and report upon—

- (a) The cause or causes of the collapse of the viewing platform at Cave Creek, near Punakaiki on the West Coast on the 28th day of April 1995 that resulted in the deaths of 14 persons and injury to 4 others:
- (b) The design and construction of the viewing platform and its suitability for the use for which it was designed

and constructed having particular regard to the safety of persons using it:

- (c) Whether statutes, including, to the extent applicable, the Health and Safety in Employment Act 1992, regulations, codes, and instruments relating to the viewing platform were complied with, the nature and extent of any failure to comply, and the persons responsible for ensuring compliance:
- (d) The competence of the persons responsible for the design and construction of the viewing platform:
- (e) The extent and adequacy of any inspections of the viewing platform following its construction, whether any changes were made to it as a result of such inspections, and the nature of any such changes:
- (f) Whether—
 - (i) Any Government Department and its staff:
 - (ii) Any territorial authority or regional council or other public body and its staff:
 - (iii) Any other person or persons—

having responsibilities or functions directly or indirectly relating to the viewing platform and the safety of persons using it, acted in a lawful, proper, and competent manner in exercising those responsibilities or carrying out those functions:
- (g) The extent and adequacy of information, in particular, warnings and notices, given or available relating to the use and safety of the viewing platform and of any complaints procedures relating to the use and safety of the platform:
- (h) The adequacy of the law and practices and procedures relating to the design, construction, and use of the viewing platform:
- (i) If the law and practices and procedures are found to

be unsuitable or inadequate in any respect, suggestions for changing the law or such practices or procedures so that, as far as possible, similar accidents may be prevented:

- (j) The nature and scope of any additional legislation that should be enacted or legal requirements that should be imposed:
- (k) Such other matters that you consider relevant to the inquiry.

And for the better enabling you to carry these presents into effect you are hereby authorised and empowered to make and conduct any inquiry under these presents, in accordance with the Commissions of Inquiry Act 1908, at the times and places as you consider expedient, with power to adjourn from time to time and from place to place as you think fit, and so that these presents shall continue in force and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And, without limiting any of your other powers to hear proceedings in private or to exclude any person from any of your proceedings, you are hereby empowered to exclude any person from any hearing, including a hearing at which evidence is being taken, if you think it proper to do so:

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, except to me in pursuance of these presents or by my direction, the contents or purport of any report so made or to be made by you, or any evidence or information obtained by you in exercise of the powers hereby conferred upon you, except such evidence or information as is received in the course of a sitting open to the public:

And it is hereby declared that you have liberty to report your proceedings and recommendations under this Commission from time to time if you shall judge it expedient so to do:

And, using all due diligence, you are required to report to me in writing under your hand not later than the 31st day of July 1995 your findings and opinions on these matters, together with such recommendations as you think fit to make in respect of them.

Given in Executive Council under the hand of Her Excellency the Governor-General this 8th day of May 1995.

DIANE WILDERSPIN, for Clerk of the Executive Council.

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