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Departmental Notice

Extending the Scope of the Commission of Inquiry into the Collapse of a Viewing Platform at Cave Creek, Near Punakaiki on the West Coast, and Extending the Time Within Which the Commission May Report

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 by Order in Council made on the 8th day of May 1995* you, Graeme Stuart Noble, were appointed 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 whereas the scope of the inquiry does not extend to

inquiring into and reporting upon the actions of persons and organisations involved in the rescue operation following the collapse of the platform and related matters:

And whereas it is expedient that the scope of the inquiry be extended as hereinafter provided:

And whereas by that Order in Council you were required to submit your report not later than the 31st day of July 1995:

And whereas it is expedient that the time for so reporting should be extended as hereinafter provided:

Now, therefore, I, Dame Catherine Anne Tizard, the Governor-General of New Zealand, acting pursuant to the Commissions of Inquiry Act 1908, and by and with the advice and consent of the Executive Council, hereby order as follows:

(1) The Order in Council made on the 8th day of May 1995 is hereby amended by inserting, after paragraph (i), the following paragraphs:

“(ia) The actions of the Police and other organisations and persons involved in carrying out the rescue operation following the collapse of the viewing platform, including,—

“(i) The steps taken to notify rescue services of the collapse of the platform:

“(ii) The provision of medical assistance to persons at the scene:

“(iii) The action taken to evacuate injured persons from the scene:

“(iv) The action taken to identify the persons who died and who were injured in the collapse and to notify their next of kin;—

and whether those actions were expeditious, effective, and appropriate in the circumstances:

“(ib) If those actions are found not to have been expeditious or effective or appropriate in any respect, suggestions for changing the practices and procedures of the Police or other organisations or persons involved in rescue operations:

“(ic) The suitability and adequacy of legislation (if any) relating to the conduct of the rescue operation and, if any such legislation is found to be unsuitable or inadequate in any respect, suggestions for changing the law:”.

(2) The time within which you are so required to report is hereby extended until the 15th day of November 1995, without prejudice to the liberty conferred upon you by the Order in Council made on the 8th day of May 1995 to report your proceedings and recommendations from time to time if you should judge it expedient so to do.

And I hereby confirm the Order in Council made on the 8th day of May 1995 and the Commission thereby constituted save as modified by these presents.

Given in Executive Council under the hand of Her Excellency the Governor-General this 3rd day of July 1995.

MARIE SHROFF, Clerk of the Executive Council.

**Gazette* 1995, page 1115.

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