

What is a Public Inquiry?

A Public Inquiry is set up to look at a matter of public concern.

The way an Inquiry is run may look and feel like a court case – a judge, legal representatives asking questions, bundles of evidence – but there is an important difference.

Courts often deal with cases by trials, involving one or more parties **against** another. There is usually a winner and a loser. For that reason it is called an **adversarial** process. An Inquiry is different to a court case. It is **inquisitorial** instead: all parties are there to examine the facts and to find out exactly what happened. An Inquiry will also make recommendations to try to prevent what has gone wrong from happening again. It therefore serves a wider public interest.

How do Statutory Inquiries work?

- Statutory public inquiries run according to the rules in the *Inquiries Act 2005* and *Inquiry Rules 2006*.
- Inquiries are always established by a Government minister but once established are independent of Government.
- Inquiries must be fearless in looking for the truth and make findings of fact. If appropriate these will include identifying those at fault; however, the law does not allow an Inquiry to make findings of criminal or civil liability.
- Inquiries always have a chairman, often a judge, appointed by the minister.
- Any person or organisation can be made to produce relevant documents. It is a criminal offence to intentionally withhold a document required by the Inquiry or deliberately to obstruct its work. Inquiries enable people with a particular interest to be Core Participants. They have certain rights.
- All relevant evidence will be shared in advance of hearings with Core Participants.
- Core Participants can suggest lines of questioning that should be pursued by the Inquiry.
- Inquiries hold hearings and any person or relevant organisation can be called as a witness to give evidence.
- Witnesses can be asked questions by Counsel to the Inquiry or by legal representatives of Core Participants (with the Chairman's permission).
- Inquiries are public. In general, the Chairman must take reasonable steps to ensure that the public can watch hearings and view the record of evidence. The Chairman must not depart from that rule unless there is very good reason.
- Inquiries must produce a written report with their findings and recommendations. Under the Act, this must be made public.