

United Fire Brigades' Association of New Zealand

Independent Inquiry

27 October 2020

1. Background

- 1.1. The Board of the United Fire Brigades' Association of New Zealand (**Association**) has engaged Ms Kristy McDonald ONZM QC to inquire into complaints about [REDACTED] against [REDACTED], the CEO of the Association, to the extent that these complaints are relevant to [REDACTED] employment with the Association (**Inquiry**). The complaints have been made by two complainants, [REDACTED], and relate to the period 2014 to 2020 (**Complaints**).
- 1.2. The Association has appointed Ms McDonald to determine whether the allegations made by [REDACTED] in their Complaints are factually correct, and to ensure impartiality and procedural fairness to all involved.
- 1.3. The Terms of Reference (**TOR**) for the Inquiry are set out below.

2. Scope of the Inquiry

- 2.1. To the extent that the Complaints are relevant to [REDACTED] employment with the Association, the Inquiry will:
 - (a) Seek to establish, on the balance of probabilities, the facts in connection with the Complaints.
 - (b) Determine whether the facts, if established, demonstrate conduct sufficient to amount to [REDACTED] in respect of either Complaint.
 - (c) Determine whether the facts establish conduct which could amount to a breach of [REDACTED] employment obligations or any of the Association's policies or Code of Conduct as they relate to his employment.
 - (d) Consider any other matters that may arise in the course of the Inquiry which in the opinion of Ms McDonald are relevant to paragraphs (a), (b), and (c) above, subject to paragraph 2.2 below.
- 2.2. The scope of the Inquiry will not be widened to include any issues other than those raised in the Complaints.

3. Inquiry process

- 3.1. The Inquiry will be carried out:
 - (a) in accordance with the principles of natural justice and procedural fairness; and
 - (b) efficiently, thoroughly and with discretion, minimising disruption to the Association and workplace.
- 3.2. In the first instance, Ms McDonald will conduct interviews with:
 - (a) [REDACTED]

(b) [REDACTED]; and

(c) [REDACTED]

- 3.3. All participants will be notified that they may bring a support person to the interviews. The support person cannot themselves be a witness and will not be permitted to make submissions or give evidence to the inquiry.
- 3.4. Interviews with witnesses will be recorded. On request, parties will be provided with an electronic copy of the recording of their interview.
- 3.5. Ms McDonald may decide to conduct a subsequent interview or interviews with [REDACTED], [REDACTED], [REDACTED] or any other witnesses, and/or she may ask any of these participants to provide additional information in writing.
- 3.6. Ms McDonald may decide to interview or seek information from additional witnesses who may be identified during the investigation process, including if nominated by [REDACTED] or [REDACTED] and/or by other witnesses.
- 3.7. If it is necessary to ensure all participants' natural justice rights are observed, Ms McDonald will provide the draft Report, or extracts from it, to the participants in the Inquiry for their comment.
- 3.8. At the conclusion of the Inquiry, Ms McDonald will produce a Report containing the findings of the Inquiry and deliver this to the Chairman of the Association. The Board of UFBA will determine how to deal with the report.
- 3.9. All complainants will be notified of the outcome of the inquiry as it relates to their complaint.
- 3.10. For the avoidance of doubt, the Inquiry Report will not make any recommendations as to what, if any, disciplinary action should be taken as a result of any adverse findings.
- 3.11. The Chairman of the Association, will be Ms McDonald's point of contact for the purposes of accessing any relevant information, including contact details for interviewees.
- 3.12. Subject to the requirements of natural justice, confidentiality will be maintained throughout the Inquiry process. All participants will be advised of the strictly confidential nature of the Inquiry and all participants will be asked to agree to maintain confidentiality, and in particular not to discuss the Inquiry, their interview(s) or any evidence they provide with any other person except their legal advisor or advocate.