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**Question of hearing secrecy vs openness**

Good afternoon Co-Chairs,

I write as a layperson with an interest in justice, New Zealand's national security, and human rights broadly.

There has been much speculation within the media as to whether the Inquiry hearings should be held in closed session, or open to the public. Much of the thrust of arguments for the Inquiry to be held in closed session is that classified information, if revealed in an open forum, could damage national security interests, international relations, and potentially the entrusting of similar information to the New Zealand government in the future.

At face value, government agencies seem to be more than suggesting that information pertinent to the successful work of the Inquiry is currently so sensitive, alive if you will, that it can not possibly be exposed to the disinfecting light of public scrutiny. This is some 8 years after the events that are at the core of the Inquiry. One could conclude that government agencies are seeking to promote public scrutiny exclusion within the exercise of the Inquiry. A harsh conclusion, but given recent historical events not only in New Zealand but the United Kingdom and the United States of America, one that can be easily drawn.

From my layperson perspective, this Inquiry is significant in its ability to ensure two factors. The first is reaffirming the promotion of New Zealand being a just country, through the transparent application of justice (the Inquiry's self-determination notwithstanding). The second is the Inquiry's ability to promote public accountability in what has traditionally been a very closeted arena.

I implore the Co-Chairs to consider open, public, hearings as a default position so as the public can have confidence that the Inquiry has dealt with all matters before it robustly, justly, and without fear or favour. To concede and allow closed sessions when hearing evidence denies a prime tenant on which justice within New Zealand is built - a fundamental principle of open justice.

This fundamental principle of justice was the center of concern for Lords of the Supreme Court of the United Kingdom, when considering similar, although not strictly related, matters, in *Al Rawi and Ors v The Security Service and Ors* [2011] UKSC 34. The Lords were at pains to emphasize the extraordinary situations where closed evidence sessions may be allowable, whilst continuing to ensure public confidence in the justice system. These deliberations may be of interest to the Co-Chairs as they consider how to establish hearings of the Inquiry.

Your kind attention to my layperson opinion is very much appreciated.

Kind regards

Richard Price