

**IN THE CORONERS COURT
AT CHRISTCHURCH**

**I TE KŌTI KAITIROTIRO MATEWHAWHATI
KI TE ŌTAUTAHI
[I TE TARI]**

**CSU-2019-CCH-000165 to
CSU-2019-CCH-000214;
CSU-2019-CCH-000326**

Under The Coroners Act 2006

And An inquiry into the deaths of 51 people in relation to the
15 March 2019 Christchurch Masjid Attacks

**SUBMISSIONS OF COUNSEL FOR CANTERBURY DISTRICT HEALTH
BOARD AS TO SCOPE OF INQUIRY**

Dated this 14th day of February 2022

Judicial Officer: **Coroner Windley**

Next event: **Hearing as to the scope of the inquest 22 – 24
February 2022**



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MAY IT PLEASE THE COURT

1. In a minute dated 28 October 2021, Judge Marshall advised that she had received submissions from Interested Parties¹ on the issues for inquiry (**Scope Minute**). Attached to the Scope Minute was a summary of the submissions received, collated into 56 issues (**Issues**).
2. The purpose of these submissions is to address, on behalf of Canterbury District Health Board (**CDHB**), the proposed scope of the inquiry and possible inquest. CDHB is grateful to the Coroner for granting an extension to 14 February 2022 to allow it to prepare these submissions and the associated response to Notice to Supply Information under s 120 of the Coroners Act 2006 dated 6 January 2022.
3. Filed with this submission is CDHB's response to the Notice to Supply Information.

Scope of the inquiry determined by the purpose of the inquiry

4. A coroner opens and conducts an inquiry (including any related inquest) for the 3 purposes set out in ss 57(1) – (4) of the Coroners Act 2006:
 - (a) To establish, so far as possible, the fact a person has died, their identity, when and where they died, and the causes and circumstances of death;
 - (b) To make recommendations or comments; and
 - (c) To determine whether the public interest would be served by the death being investigated by other authorities.
5. It is submitted that the scope of the inquiry should be determined with reference to these purposes - in particular, the purpose of establishing the cause and circumstances of the deaths of the 51 Shaheed.

¹ Canterbury District Health Board was not involved in this process, having only been advised it was afforded interested party status on 11 November 2021.

Submissions: scope of the inquiry

6. First, counsel notes that Issue 20 appears to classify CDHB , and its Emergency Department in particular, as “first responders”:

Concerns were raised that there has been no public examination of how all the **relevant first responders, namely the Police, the ambulance service, and Christchurch Hospital**, responded on 15 March 2019. (Emphasis added.)

7. “First responders” are then the subject of further issues classified as within the scope of the inquiry, including Issues 24, 25, 26, 39 and 55. Accordingly, in CDHB’s submission, the definition of “first responder” is important.
8. For the reasons that follow, it is submitted that CDHB/Christchurch Hospital is not properly described as being a ‘first responder’.
9. There is no legal definition of “first responder.” However, in the Protection for First Responders and Prison Officers Bill (defeated on 14 April 2021) “first responder” was defined as:
 - (a) a constable (within the meaning of section 4 of the Policing Act 2008); or
 - (b) an emergency services worker (within the meaning of section 92(4) of the Health and Safety at Work Act 2015)
10. In turn, s 92(4) of the Health and Safety at Work Act 2015 defines ‘emergency services worker’ as:

emergency services worker includes a person who has a legal duty (under any enactment, employment agreement, other binding agreement or arrangement, or other source) to, at the scene of an emergency, provide 1 or more of the following services:

- (a) ambulance services, first aid, or medical or paramedical care:
- (b) designated services (as defined in section 6 of the Fire and Emergency New Zealand Act 2017).

11. It is submitted that the combination of the above reflects the public understanding of the meaning of “first responder.” Indeed, the Cambridge English Dictionary defines “first responder” as follows:
- someone who is one of the first people to arrive to deal with an emergency, especially a paramedic, police officer, or firefighter.
12. Accordingly, it is respectfully submitted that the meaning of “first responder” does not comfortably include hospitals or emergency departments and Christchurch Hospital should not be captured in that definition.
13. In turn, counsel respectfully submits that those issues that may necessitate input from CDHB are restricted to those for which it was requested to provide information in accordance with the Coroner’s Notice to Supply Information. These are:
- (a) 36 – when and how was Christchurch Hospital notified of the attack?
 - (b) 37 – were there any issues with role and process of the Christchurch Hospital following attack / during immediate response?
 - (c) 38 – did CDHB appropriate activate and use emergency policies?
14. Secondly, counsel notes that the Issues are grouped in three categories:
- (a) In scope;
 - (b) Outside scope;
 - (c) Proposed to be dealt with in the nature of an information request response in the first instance (**Information Response Issues**).
15. It is respectfully submitted that the Information Response Issues category risks creating some ambiguity. Assuming the intention is that the issues in this category can be effectively dealt with ‘on the papers’, CDHB supports the categorisation of the issues that relate to CDHB.

Oral submissions at Scope Hearing

16. Counsel refers to Coroner's Windley's 14 February 2022 Minute as to Scope Hearing Arrangements.
17. On behalf of the CDHB, counsel seeks no more than 15 minutes to talk to these submissions and to respond to any questions that the Coroner may have.

Request for documents

18. Counsel notes that Dr Hick's report is directly relevant to the issues that relate to CDHB. CDHB was not involved in this process at the time Dr Hick's report was sought and it has not seen the material referred to by Dr Hick. Counsel respectfully requests copies of the material provided to Dr Hick.

Inquest hearing

19. CDHB does not take a position as to whether an inquest hearing is required. If the matter proceeds to an inquest hearing, and it would assist the Coroner for it to do so, CDHB confirms it would be willing to participate.

DATED this 14th day of February 2022



Jonathan Coates / Andrea Lane
Counsel for Canterbury District Health Board