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Hon Judith Collins KC MP, Attorney-General

Proactive release of documents related to the establishment of
the Public Inquiry into the Disappearance of the Phillips Children
30 January 2026

The following documents have been proactively released:

10 November 2025, Cabinet Minute CAB-25-MIN-0406, 'Additional item: Phillips Inquiry'

24 November 2025, Cabinet paper 'Public Inquiry into the Disappearance of the Phillips Children'

24 November 2025, Cabinet Minute CAB-25-MIN-0424, 'Public Inquiry into the Disappearance of the Phillips Children'

Some parts of this information would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Additionally, the Inquiry's terms of reference, attached to the Cabinet paper as Appendix A, can be accessed at <https://www.legislation.govt.nz>. As the terms of reference are publicly available, Appendix A of the Cabinet paper has been withheld under section 18(d) of the Act.

Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to Redaction Code:

- 9(2)(h) - the withholding of the information is necessary to maintain legal professional privilege
- 9(2)(f)(iv) – release would contradict the constitutional conventions which protect the confidentiality of advice given by Ministers and public service employees

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UNCLASSIFIED



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Additional Item: Phillips Inquiry

Portfolio **Attorney-General**

On 10 November 2025, Cabinet:

- 1 **noted** the Prime Minister's recent public statements about a proposed public inquiry into the involvement and actions of government agencies involved in the Phillips case;
- 2 **agreed in principle** to establish a public inquiry into the involvement and actions of government agencies involved in the Phillips case, subject to Cabinet agreement to the terms of reference, the proposed inquiry member and necessary decisions regarding inquiry timing which are due to be considered later this month.

Rachel Hayward
Secretary of the Cabinet

[Sensitive]

Office of the Attorney-General

Chair, Cabinet

Public Inquiry into the disappearance of the Phillips children

Proposal

- 1 This paper seeks agreement to establish a public inquiry into the response of government agencies to the disappearance and recovery of the Phillips children (the Inquiry). The paper seeks agreement to the Inquiry's terms of reference, membership and budget, and authorisation to submit an Order in Council to the Executive Council on 24 November 2025.

Executive Summary

- 2 The Phillips children (the children) were missing for almost four years. The safety and welfare of the children over this exceptional length of time have been the subject of significant public interest and concern.
- 3 On 10 November 2025, Cabinet agreed in principle to establish a public inquiry into the involvement and actions of government agencies involved in the Phillips case, subject to Cabinet agreement to the terms of reference, the proposed inquiry member and necessary decisions regarding inquiry timing which are due to be considered later this month [CAB-25-MIN-0406 refers].
- 4 It is a matter of public importance to determine whether relevant government agencies could have taken more effective steps to safeguard the safety and welfare of the children, and whether they responded appropriately and in a timely way to locate the children once they had disappeared. Establishing the facts related to this matter will enable lessons to be learned so that relevant agencies can take steps to prevent or resolve similar situations more quickly and effectively in future.
- 5 I seek agreement to establish a public inquiry under the Inquiries Act 2013 into whether government agencies took all practicable steps to safeguard the safety and welfare of the children. I also seek agreement to the Inquiry's terms of reference, attached as Appendix A, and propose that the Honourable Justice Simon Moore KC is appointed as the sole member of the Inquiry.
- 6 It is my intention that the Inquiry begin considering evidence and information on 21 January 2026, following a short period for planning the inquiry and establishing a secretariat. A final report with recommendations would then be completed by 21 July 2026.

- 7 s9(2)(h) [REDACTED] I propose that the Attorney-General is authorised with Power

to Act to take decisions on minor amendments to the Inquiry's terms of reference
s9(2)(h)

- 8 The Inquiry is estimated to cost \$3.490 million and will commence immediately. The request for funding cannot be deferred until Budget 2026 or rely on reprioritisation from existing baselines. Therefore, funding for the Inquiry is sought from the Between-Budget Contingency, established as part of Budget 2025. Accordingly, I seek approval for a total of \$3.490 million increase to the Vote Internal Affairs appropriations over 2025/26 and 2026/27 to cover the costs of the Inquiry.
- 9 I seek authorisation to submit an Order in Council to the Executive Council on 24 November 2025. The Order will incorporate the Inquiry's terms of reference.

Background

- 10 The children have been the subject of proceedings in the Family Court about their care and contact arrangements since 2018. Mr Phillips first disappeared with the children in September 2021, and despite searches was not located. After reappearing, Mr Phillips was the subject of criminal charges.
- 11 On or about 9 December 2021, Mr Phillips and the children disappeared again. The children remained missing for almost four years from this point in time. They were recovered on 8 September 2025, following their father's fatal confrontation with Police.
- 12 The safety and welfare of the children over this exceptional length of time have been the subject of significant public interest and concern. Since the recovery of the children, there have been additional concerns, as reflected by the decisions of the courts, about the need to protect the privacy of these especially vulnerable children.
- 13 On 10 November 2025, Cabinet:
 - 13.1 noted the Prime Minister's recent public statements about a proposed public inquiry into the involvement and actions of government agencies involved in the Phillips case; and
 - 13.2 agreed in principle to establish a public inquiry into the involvement and actions of government agencies involved in the Phillips case, subject to Cabinet agreement to the terms of reference, the proposed inquiry member and necessary decisions regarding inquiry timing which are due to be considered later this month [CAB-25-MIN-0406 refers].

I seek agreement to establish a public inquiry into matters concerning the disappearance and recovery of the Phillips children

- 14 It is a matter of public importance to determine whether government agencies could have taken more effective steps to safeguard the safety and welfare of the children, and whether they responded appropriately and in a timely way to locate the children once they had disappeared. It is critically important that we establish the facts

related to this matter and learn appropriate lessons so that relevant agencies can take steps to prevent or resolve similar situations more quickly and effectively in future.

- 15 I consider that these matters warrant an independent inquiry established under the Inquiries Act 2013 (the Act).
- 16 There are no official criteria to determine which type of inquiry should be held, and determinations on this are a matter of Ministerial judgement. This involves considering the level of public importance that the matter carries, and the degree to which public interest requires a greater perception of status and independence from Government.
- 17 The Act provides for two types of statutory inquiries: government inquiries and public inquiries, which include Royal Commissions. Both have identical powers, including statutory powers to require the production of evidence, to compel witnesses, and to take evidence on oath. They vary only in terms of the processes associated with their establishment and the reports they produce.
- 18 Government inquiries tend to deal with smaller and more immediate issues where a quick and authoritative answer is required from an independent inquirer.
- 19 Public inquiries usually address a particularly significant issue that carries a high level of concern to the public and to Ministers.
- 20 Royal Commissions are reserved for the most serious matters of public importance, as reflected by those associated with the Christchurch Mosque attacks in March 2019, New Zealand's response to COVID-19, and Historical Abuse in Care.
- 21 Based on the nature of the matter of public importance and the significant degree of public interest in this matter, I recommend a public inquiry be established under the Act.

The Inquiry's terms of reference

- 22 The terms of reference are an essential component of the process for establishing an inquiry under the Act. The Inquiry has statutory authority to conduct its work as it considers appropriate, in line with the Act and its terms of reference.
- 23 As there are or will be parallel proceedings, investigations and inquiries, including by the Police, the Independent Police Conduct Authority, and the Coroner, the proposed terms of reference have been developed to ensure that the Inquiry does not:
 - 23.1 interfere with the administration of justice;
 - 23.2 duplicate those parallel investigations, inquiries or proceedings; or
 - 23.3 harm the privacy or welfare of the children.

- 24 I seek agreement to the Inquiry's terms of reference, attached as Appendix A, which set out its background, purpose, matter of public importance, scope, matters outside scope, administration, and timing.
- 25 Once formally established, the Inquiry will need time to undertake initial planning and to communicate with stakeholders before it begins receiving evidence. This avoids a risk of unplanned and reactive work by the Inquiry or later rework if initial engagements were not well planned. Officials have advised that, based on experience, for this inquiry a planning period of six weeks from the establishment date is appropriate.
- 26 My preference is that the Inquiry begin considering evidence and information on 21 January 2026 and be required to deliver a final report with recommendations by 21 July 2026. s9(2)(h)
- 27 s9(2)(h)
- 28 s9(2)(h) I propose that the Attorney-General is authorised with Power to Act to take decisions on amendments to the Inquiry's proposed terms of reference s9(2)(h)
- 29 Consistent with the direction of the Prime Minister, the terms of reference recognise the Attorney-General as the appropriate Minister, and Department of Internal Affairs (the Department) as the relevant department for the Inquiry, under section 4 of the Act.

Membership

Proposed appointment

- 30 The Cabinet Manual (4.106) states that inquiry members 'should be people whose expertise best suits the subject matter and purpose of the inquiry'. Based on the terms of reference, the key skills and attributes for the Inquiry are:

- 30.1 knowledge of, or experience in, examining systems or processes affecting individuals;

- 30.2 knowledge of the machinery of government and government processes;
- 30.3 knowledge of legal systems and practices;
- 30.4 experience working in the public eye without being unduly influenced by public comment;
- 30.5 the ability to assess evidence dispassionately, but appropriately, with no predetermined view of the outcome.
- 31 I propose to appoint the Honourable Justice Simon Moore KC as the sole member of the Inquiry and seek agreement to recommend his appointment to the Governor-General. Mr Moore served as a Judge of the High Court for 11 years, including six years as the Executive Judge for Auckland. Following his retirement from the High Court in 2024, he was appointed Chair of the Electoral Commission Board.
- 32 s9(2)(f)(iv) [REDACTED]
- 33 The Act notes that a chairperson must be nominated if there is more than one inquiry member [section 7(1)(c) refers]. While Mr Moore is not referred to as the Chair of the Inquiry because he is its sole member, his roles and responsibilities will be comparable to that of a chairperson. I therefore propose a daily fee of \$1,680 for Mr Moore, which is consistent with the fee level for the Chairs of both phases of the Royal Commission of Inquiry into COVID-19 Lessons.
- 34 Appropriate enquiries concerning probity and actual or perceived conflicts of interest for the member of the Inquiry were undertaken by Crown Law. These enquiries included the completion of formal declarations on any actual or perceived conflicts, and online background checks. The Chief Justice was consulted on the appointment. No concerns or conflicts were identified.
- 35 The APH Organisation Form and Candidate CV Form are attached as Appendix B.

Financial Implications

Budget for the Inquiry

- 36 The estimated cost for the Inquiry is \$3.490 million. The estimated cost is based on the Department's experience of administering recent inquiries, and their specific purpose, subject breadth, legal complexity and timeframe.
- 37 **Table 1** provides a breakdown of the costs. These estimates only relate to the costs of carrying out the Inquiry, which include the member's fees and a secretariat, as well as operating, legal, and administrative support. It does not include any costs that agencies might incur during their engagement with, or in response to, the

Inquiry. Agencies will be expected to manage participation costs associated with the Inquiry within baselines.

Table 1: The forecast cost summary for the Inquiry

Cost category	Forecast cost (\$ million)
Secretariat Personnel	1.706
Operating & Support	1.371
Legal Counsel	0.191
Member Fees	0.222
TOTAL	3.490

- 38 The proposed budget assumes that the Inquiry will:
- 38.1 operate over a relatively short timeframe;
 - 38.2 have a tightly focussed scope and a number of exclusions from scope; and
 - 38.3 involve significant legal complexity given the parallel investigations, reviews, and court proceedings.
- 39 Cabinet agreed that statutory inquiries are an all of government responsibility and should be adequately funded and that should not compromise other functions [CAB-18-MIN-0352 refers]. The Department does not have standing baseline funding to support the personnel, operating, legal, and member fee costs for statutory inquiries.
- 40 As the Inquiry will commence immediately, the request for funding cannot be deferred until Budget 2026. Nor can the Inquiry be delayed by a process of reprioritising existing baseline funding from the agencies in scope of the Inquiry or from within Vote Internal Affairs. Funding for the Inquiry is therefore sought from the Between-Budget Contingency, established as part of Budget 2025.
- 41 Accordingly, I seek approval for a \$3.490 million increase to the Vote Internal Affairs appropriations over 2025/26 and 2026/27 to cover the costs of the Inquiry.
- 42 I propose that any underspend associated with the Inquiry be returned to the Centre after its closure.
- 43 The funding sought is an informed estimate of what will be required and reasonable for the Inquiry to complete its work. Once the Inquiry commences and plans its work in detail, there may be some variation in the budget that requires it to be rephased.

The Inquiry's financial transparency and accountability

- 44 While it is essential that statutory inquiries have investigative independence, they must also be fiscally accountable for, and transparent in, the way they use public funds to deliver on their mandate. The Department is responsible for establishing the process for monitoring the Inquiry's budget and the reporting timeframe.
- 45 The Inquiry will support the Department to comply with its administrative and financial planning responsibilities (relevant to the Inquiry) by providing regular information and reporting on administrative and financial matters.

Legislative Implications: submission of Order in Council

- 46 I seek authorisation to submit an Order in Council, made under the authority of the Inquiries Act 2013, to the Executive Council on 24 November 2025. The Order, which incorporates the terms of reference, is the instrument required to establish the Inquiry. Subject to decisions, it will confirm the Honourable Justice Simon Moore KC as the member of the Inquiry.

Timing and 28-day rule

- 47 I recommend waiving the rule that legislative instruments come into force at least 28 days after they have been notified in *the New Zealand Gazette*, on the grounds that the Inquiry commencing as soon as possible only confers benefits to the public. The Order will come into force on 28 November 2025, the day after its notification in the *New Zealand Gazette*.

Compliance

- 48 I confirm that the Order complies with:
- 48.1 the principles of the Treaty of Waitangi;
 - 48.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990; and the Human Rights Act 1993;
 - 48.3 the principles and guidelines set out in the Privacy Act 2020;
 - 48.4 relevant international standards and obligations; and
 - 48.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 49 I am not aware of any grounds on which the Order should be drawn to the attention of the House of Representatives under Standing Order 327 'Drawing attention to regulation'.

Certification by Parliamentary Counsel

- 50 The draft Order has been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 51 The impact analysis requirements do not apply for this paper as it does not propose anything that involves the potential introduction of new legislation or changes to or the repeal of existing legislation.

Population Implications

- 52 As the Inquiry will enable lessons to be learned so that relevant agencies can take steps to prevent or resolve similar situations to that of the children more quickly and effectively in future, the Inquiry should have positive implications for the safety and welfare of vulnerable young people.

Human Rights

- 53 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 54 The following agencies were consulted: the Crown Law Office; the Ministry of Justice; New Zealand Police; Oranga Tamariki; the Parliamentary Counsel Office; the Public Service Commission; the Department of the Prime Minister and Cabinet; and the Treasury.

Publicity

- 55 Subject to decisions, I intend to issue a media statement about the establishment of the Inquiry.

Proactive Release

- 56 I intend to proactively release this paper within 30 business days of Cabinet decisions, subject to appropriate redactions.

Recommendations

The Attorney-General recommends that Cabinet:

Background

- 1 **note** that the Phillips children (the children) have been the subject of proceedings in the Family Court about their care and contact arrangements since 2018;

- 2 **note** that the children were missing from 9 December 2021, when they disappeared with their father for a second time, until 8 September 2025, when they were recovered following their father's fatal confrontation with Police;
- 3 **note** that, on 10 November 2025, Cabinet:
- 3.1 noted the Prime Minister's recent public statements about a proposed public inquiry into the involvement and actions of government agencies involved in the Phillips case; and
- 3.2 agreed in principle to establish a public inquiry into the involvement and actions of government agencies involved in the Phillips case, subject to Cabinet agreement to the terms of reference, the proposed inquiry member and necessary decisions regarding inquiry timing which are due to be considered later this month;

[CAB-25-MIN-0406 refers]

Establishment of public inquiry

- 4 **agree** that it is a matter of public importance to determine whether government agencies could have taken more effective steps to safeguard the safety and welfare of the children, and whether they responded appropriately and in a timely way to locate the children once they had disappeared;
- 5 **agree** that a public inquiry be established under the Inquiries Act 2013 into whether government agencies took all practicable steps to safeguard the safety and welfare of the Phillips children (the Inquiry);
- 6 **agree** to the Inquiry's terms of reference attached as Appendix A;
- 7 **authorise** the Attorney-General to have Power to Act to take decisions on minor amendments to the Inquiry's terms of reference ^{s9(2)(h)} [REDACTED]
- 8 **agree** that the Attorney-General recommends the appointment of the Honourable Justice Simon Moore KC as the sole member of the Inquiry to the Governor-General;
- 9 **agree** to a daily fee of \$1,680 for the member of the Inquiry;

Financial Implications

- 10 **agree** to increase funding in Vote Internal Affairs by \$3.490 million to meet the costs of the Inquiry;
- 11 **note** that the request for funding is urgent, cannot be met from Vote Internal Affairs baselines, or the baselines of agencies within scope of the inquiry, and cannot be deferred until Budget 2026;

- 12 **approve** the following changes to appropriations to give effect to the decisions in recommendations 5 above, with a corresponding impact on the operating balance and net core Crown debt:

Vote Internal Affairs Minister of Internal Affairs	2025/26	2026/27	2027/28	2028/29	2029/30 & Outyears
Multi-Category Expenses and Capital Expenditure: Support for Statutory and Other Bodies MCA Departmental Output Expense: Commissions of Inquiry and Similar Bodies (funded by revenue Crown)	2.756	0.512	-	-	-
Non-Departmental Other Expense: Statutory Inquiries	0.202	0.020	-	-	-
Total Operating	2.958	0.532	-	-	-

- 13 **agree** that the proposed changes to appropriations for 2025/26 above be included in the 2025/26 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;
- 14 **agree** that the operating expenses incurred under recommendation 10 above be charged against the Between-Budget Contingency, established as part of Budget 2025;
- 15 **agree** to an in-principle expense transfer from 2025/26 to 2026/27 of any underspend in the above appropriations, with the final amounts to be transferred to be confirmed as part of the relevant October Baseline Update, once audited accounts for each financial year are available;
- 16 **agree** that any underspend associated with the Inquiry be returned to the Centre after its close down;

Submission of Order in Council

- 17 **note** that an Order in Council is required to give effect to the establishment of the Inquiry;
- 18 **note** that a waiver of the 28-day rule is sought:
- 18.1 so that the Order in Council can come into force as soon as possible;
- 18.2 on the grounds that the Inquiry commencing immediately only confers benefits to the public;

- 19 **agree** to waive the 28-day rule so that the Order in Council can come into force on 28 November 2025;
- 20 **authorise** the submission to the Executive Council of 'Inquiries (Public Inquiry into Disappearance of Phillips Children) Order 2025';
- 21 **note** that the Order in Council will come into force on 28 November 2025;

Publicity

- 22 **note** that the Attorney-General intends to issue a media statement about the establishment of the Inquiry.

Authorised for lodgement

Judith Collins

Hon Judith Collins KC MP

Attorney-General



Cabinet

Minute of Decision

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Public Inquiry into the Disappearance of the Phillips Children

Portfolio Attorney-General

On 24 November 2025, Cabinet:

Background

- 1 **noted** that the Phillips children (the children) have been the subject of proceedings in the Family Court about their care and contact arrangements since 2018;
- 2 **noted** that the children were missing from 9 December 2021, when they disappeared with their father for a second time, until 8 September 2025, when they were recovered following their father's fatal confrontation with Police;
- 3 **noted** that on 10 November 2025, Cabinet:
 - 3.1 noted the Prime Minister's recent public statements about a proposed public inquiry into the involvement and actions of government agencies involved in the Phillips case;
 - 3.2 agreed in principle to establish a public inquiry into the involvement and actions of government agencies involved in the Phillips case, subject to Cabinet agreement to the terms of reference, the proposed inquiry member and necessary decisions regarding inquiry timing;

[CAB-25-MIN-0406]

Establishment of public inquiry

- 4 **agreed** that it is a matter of public importance to determine whether government agencies could have taken more effective steps to safeguard the safety and welfare of the children, and whether they responded appropriately and in a timely way to locate the children once they had disappeared;
- 5 **agreed** that a public inquiry be established under the Inquiries Act 2013 into whether government agencies took all practicable steps to safeguard the safety and welfare of the Phillips children (the Inquiry);
- 6 **agreed** to the Inquiry's terms of reference, attached as Appendix A to the paper under CAB-25-SUB-0424;

- 7 **authorised** the Attorney-General to take decisions on minor amendments to the Inquiry's terms of reference ^{s9(2)(h)} [REDACTED]
- 8 **noted** that the Attorney-General intends to recommend that the Governor-General appoint the Honourable Justice Simon Moore KC as the sole member of the Inquiry;
- 9 **agreed** to a daily fee of \$1,680 for the member of the Inquiry;

Financial implications

- 10 **agreed** to increase funding in Vote Internal Affairs by \$3.490 million to meet the costs of the Inquiry;
- 11 **noted** that the request for funding is urgent, cannot be met from Vote Internal Affairs baselines or the baselines of agencies within scope of the Inquiry, and cannot be deferred until Budget 2026;
- 12 **approved** the following changes to appropriations to give effect to the decision in paragraph 5 above, with a corresponding impact on the operating balance and net core Crown debt:

Vote Internal Affairs Minister of Internal Affairs	2025/26	2026/27	2027/28	2028/29	2029/30 & Outyears
Multi-Category Expenses and Capital Expenditure:					
Support for Statutory and Other Bodies MCA					
Departmental Output Expense:					
Commissions of Inquiry and Similar Bodies (funded by revenue Crown)	2.756	0.512	-	-	-
Non-Departmental Other Expense:					
Statutory Inquiries	0.202	0.020	-	-	-
Total Operating	2.958	0.532	-	-	-

- 13 **agreed** that the changes to appropriations for 2025/26 above be included in the 2025/26 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;
- 14 **agreed** that the operating expenses incurred under paragraph 10 above be charged against the Between-Budget Contingency, established as part of Budget 2025;
- 15 **agreed** to an in-principle expense transfer from 2025/26 to 2026/27 of any underspend in the above appropriations, with the final amounts to be transferred to be confirmed as part of the relevant October Baseline Update, once audited accounts for each financial year are available;
- 16 **agreed** that any underspend associated with the Inquiry be returned to the centre after its close down;

Legislative implications

- 17 **noted** that an Order in Council is required to give effect to the establishment of the Inquiry;
- 18 **noted** that a waiver of the 28-day rule is sought:
- 18.1 so that the Order in Council can come into force as soon as possible;
- 18.2 on the grounds that the Inquiry commencing immediately only confers benefits to the public;
- 19 **agreed** to waive the 28-day rule so that the Order in Council can come into force on 28 November 2025;
- 20 **authorised** the submission to the Executive Council of the Inquiries (Public Inquiry into Disappearance of Phillips Children) Order 2025 [PCO 28505/3.0];
- 21 **noted** that the Order in Council will come into force on 28 November 2025;

Publicity

- 22 **noted** that the Attorney-General intends to issue a media statement about the establishment of the Inquiry.

Rachel Hayward
Secretary of the Cabinet