



Abuse in Care

Royal Commission of Inquiry

MINUTE 5 – PUBLIC HEARING INTO THE STATE RESPONSE TO CIVIL REDRESS AND CIVIL LITIGATION CLAIMS

30 January 2020

1. The Royal Commission of Inquiry (“the Inquiry”) is investigating the response of the State and of Faith-based institutions to claims by survivors of abuse for redress. The Redress Investigation will have several public hearings throughout the duration of this Inquiry.
2. The first Redress public hearing into the Crown’s response to civil claims of abuse in State care will commence at 10:00am on Monday 23 March 2020 at:

The Environment Court
District Court Building
Level 5, 49 Ballance Street
Wellington 6011

3. The public hearing is scheduled to continue until Friday 3 April, with reserve days on Monday 6 and Tuesday 7 April 2020, if required.
4. Members of the public are welcome to attend the hearing and it will be live streamed on the Inquiry’s website: www.abuseincare.org.nz.

Evidence

5. A provisional list of witnesses is attached to this Minute. It is subject to change, does not indicate the order of witnesses at the hearing itself, and does not yet include the names of survivor witnesses.
6. Witness statements, and supporting documents, will be provided to core participants and those with leave to appear as directed by the Inquiry.

7. Any person who obtains access to documents in advance of the hearing, other than publicly available information, is subject to an implied undertaking that the information obtained is received in confidence, and that the information will be used only for the purpose of the person's participation in the Inquiry.
8. Witness statements and supporting documents may be made public at the hearing following the evidence of each witness, subject to any directions of the Inquiry and/or orders made under s 15 of the Inquiries Act 2013 ("the Act"). Applications for orders under s 15 of the Act should be made in advance of the hearing, as set out in paragraph [16] below.
9. The Crown Agencies have produced documents under notices issued by the Inquiry under s 20 of the Act. Those documents are subject to interim orders under s 15(1)(b) of the Act restricting public access to the documents unless authorised by the Inquiry.
10. In addition to evidence filed by witnesses, the Inquiry will produce a bundle of documents for the hearing, which may also be subject to directions of the Inquiry and/or s 15 orders.

Core participants

11. Individuals or groups who seek core participant status for this phase of the Redress investigation should apply as soon as possible but no later than Wednesday 19 February 2020 in accordance with paragraph [16] below. Applications should be made in accordance with the process in the Inquiry's [Practice Note 2 on core participants](#) issued on 30 January 2020.

Leave to appear

12. Individuals or groups who wish to be represented at the Redress hearing and question witnesses should apply for leave to appear. Applications should be made in writing by 19 February 2020 in accordance with paragraph [16] below.
13. The focus of this Redress hearing is the State. Faith-based institutions are not expected to, but may if they wish, seek leave to appear at this hearing.
14. The questioning of witnesses at the hearing will be by leave of the Inquiry. Any person seeking leave to question a witness must identify the proposed areas of questioning. This should, if possible, be provided in advance of the hearing in writing. The Inquiry will also receive oral applications at the conclusion of the evidence-in-chief of each witness. The Inquiry may limit the areas of questioning in its discretion, and may direct that questions are asked by Counsel Assisting.
15. In relation to survivor witnesses, the Inquiry will need to be persuaded that any proposed questioning is appropriate and can be carried out without causing unnecessary distress. In such a case, the Inquiry may direct that proposed topics are dealt with by Counsel Assisting rather than by counsel for a party.

Applications

16. Applications for s 15 orders, core participant status, leave to appear at the public hearing, leave to question witnesses and any other application should be made in writing, with reasons, and emailed to: solicitorassisting@abuseincare.org.nz by no later than 4pm on Wednesday 19 February 2020.

Procedural hearing and decisions on applications

17. An “in chambers” Procedural Hearing will be held at the Environment Court in Wellington, starting at 10:00am on Tuesday 25 February 2020. This hearing is for counsel for core participants and applicants for orders mentioned in paragraph [16] above to appear. This hearing is not open to the public.
18. A hearing plan (with the proposed dates and times for witness evidence), and decisions on applications will be released by Friday 6 March 2020.
19. Late applications for leave to appear and/or permission to question a witness may be considered by the Inquiry at any time at the Inquiry’s discretion.

Produced by the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Wellington

30 January 2020



State Civil Redress Hearing: 23 March – 3 April 2020

Provisional witness list – Note this is subject to change and does not reflect the proposed order of witnesses

1. Sonja Cooper and Amanda Hill, Cooper Legal
2. Trish Grant, IHC
3. Dr Fiona Inkpen, Stand Tū Māia
4. Una Jagose, Solicitor-General, Crown Law
5. Brett Dooley, Legal Services Commissioner
6. Simon McPherson, Deputy Chief Executive Policy, Ministry of Social Development
7. Linda Hrstich-Meyer, General Manager Historic Claims, Ministry of Social Development
8. Phil Knipe, Chief Legal Advisor, Ministry of Health
9. Helen Hurst, Associate Deputy Secretary, Ministry of Education
10. Steve Groom, General Manager of Public Ministerial and Executive Services, Oranga Tamariki

Plus survivor witnesses to be confirmed.