



# Abuse in Care

Royal Commission of Inquiry

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## MINUTE 9

### DIRECTIONS ON STATE REDRESS PUBLIC HEARING

20 August 2020

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1. This Minute sets out directions on oral evidence and decisions on applications for leave to question at the Royal Commission of Inquiry's upcoming public hearings into the State response to redress and civil litigation claims. It relates only to these hearings.

#### ***Directions relating to evidence in chief***

2. The Inquiry has limited public hearing time available. Under s 14 of the Inquiries Act 2013 the Inquiry must balance fairness and the need to avoid unnecessary delay or cost when considering which witnesses will give oral evidence, and the manner and form of their evidence. Consistent with those principles the maximum time possible should be available to the Inquiry to examine topics of particular interest through Counsel Assisting and the Commissioners.
3. The following directions are made, subject to further directions at the hearing as required:
  - (a) Survivor witnesses are permitted to share their experience and oral evidence with the Inquiry however they are most comfortable;
  - (b) With other witnesses, counsel are asked to use their judgement about the extent to which statements are read. It will be important that the public can hear and understand the evidence. Witnesses may read or explain the key parts of their evidence, and it may or may not be necessary for witnesses to read entire statements.

- (c) Where a non-survivor witness is scheduled to give evidence for a half-day, evidence in chief should generally take no more than 1.5 hours.
- (d) Where a witness is scheduled to give evidence for a full day, evidence in chief should generally be concluded by the lunch adjournment.

***Decisions on applications for leave to question witnesses***

- 4. Minute 8, paragraphs 17 and 18, recorded the applications for leave to question witnesses filed with the Inquiry on 13 March 2020 and noted decisions would be issued no later than 28 August 2020.
- 5. The Inquiry notifies its decisions on these applications as follows:
  - (a) The Crown application for leave to question Sonja Cooper and Amanda Hill: The Crown is granted leave to question on the proposed areas of questioning set out at paragraph 3, subject to amendment of paragraph 3(b) to read “perceived barriers in dealing with claims”.
  - (b) The Waitangi Tribunal Claimant Group application requests leave to question eight witnesses identified at paragraph 2, and sets out the proposed areas of questioning at paragraph 3.
    - Four of the eight witnesses are survivor witnesses. As set out in paragraph 23 of [Minute 7 dated 27 February 2020](#) the Inquiry expects that questions addressed to survivor witnesses will be asked by Counsel Assisting. Counsel is therefore requested to provide topics for the specified survivor witnesses to Counsel Assisting.
    - The remaining four witnesses are Crown witnesses from the Ministry of Health, Ministry of Education, Ministry of Justice and Crown Law. The Inquiry notes and appreciates Counsel’s indication she will liaise with Counsel Assisting to ensure efficient use of time with these witnesses.
    - The Inquiry acknowledges that the “structural and systemic factors that have contributed to the abuse of Māori in State Care” is a topic squarely within the Terms of Reference, and which is the subject of investigation by the Inquiry. The focus of the State redress hearing is on redress processes rather than the factors contributing to abuse, and the application relating to this area of questioning is therefore declined in relation to this particular hearing.
    - The area of questioning relating to “whether or not the redress proposals have been successful or will be successful in meeting the obligations to Māori under Te Tiriti o Waitangi” is within the redress hearing scope. Permission is granted for this area of questioning up to a maximum period of 30 minutes, to the extent the Counsel believes this is not adequately covered in questions put by Counsel Assisting.

6. Topics or questions for witnesses that are to be put by Counsel Assisting should be emailed to [counselassisting@abuseincare.org.nz](mailto:counselassisting@abuseincare.org.nz) as early as possible, but no later than **4:00pm on Friday 11 September**.

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

Wellington

20 August 2020

A handwritten signature in blue ink that reads "Coral Shaw". The signature is written in a cursive, flowing style.

Judge Coral Shaw  
**Chair**