



Abuse in Care

Royal Commission of Inquiry

MINUTE 8

FOLLOWING ADJOURNED MARCH 2020 HEARING INTO STATE RESPONSE TO CIVIL REDRESS AND CIVIL LITIGATION CLAIMS

24 July 2020

1. The above hearing, due to commence on 23 March 2020 (phase one) was postponed due to COVID-19. This Minute updates Minute 7,¹ and makes further directions resulting from the postponement.

Filing of additional evidence – witness statements and associated bundles of documents

2. The Inquiry will receive additional evidence:
 - (a) Supplementary brief from Chassy Duncan (confirmed but not signed);
 - (b) Supplementary brief from MSD (Linda Hrstich-Meyer);
 - (c) New brief from MSD (Garth Young); and
 - (d) New brief from “Earl White”.

These are to be filed no later than **Friday 31 July 2020**, with accompanying bundles of documents.

3. The Inquiry **does not** require reply briefs to be filed following service of those listed in paragraph [2]. Should any participant however believe it is more efficient to deal with issues by way of a reply brief rather than supplementary questions following evidence-in-chief, they must file reply briefs and any accompanying bundle of documents no later than **Friday 14 August 2020**.
4. The witness statements and any reply briefs will be served on Core Participants as soon as possible after the dates for filing.

¹ Dated 25 February 2020 but re-issued on 28 February 2020 with correction to para [19]

5. Access to the bundles of documents remains as set out in paragraph 12 of Minute 7.
6. One of the new witnesses has permanent Court-ordered name suppression. The conditions set out in paragraph 12(d) of Minute 7 will apply to that witness statement.

Filing of other bundles of documents

7. Should the Crown agencies or Cooper Legal identify additional documents they wish to produce to the Inquiry as part of their previously filed bundle of documents, these must be provided electronically on an encrypted USB drive together with 9 hard copies, including an index, paginated and tabulated, no later than **Friday 28 August 2020**. They will be exchanged between the Crown Secretariat and Cooper Legal as soon as possible thereafter.
8. The Inquiry will produce its own bundle of documents which will be served on the Crown Secretariat and Cooper Legal no later than **Friday 28 August 2020**. For the avoidance of doubt, this will not preclude the Inquiry from producing or referring to other documents it has received under s20 Inquiries Act Notices, or from elsewhere, not contained in any bundle formally produced for this public hearing, as required.

Protocol for document management in hearing

9. The Inquiry will be using hearing presentation technology to enhance access to documents referred to at the public hearing, making this more accessible to all participants, including the public via livestreaming. It will however not fully replace reference to hard copy documents within the hearing.
10. To facilitate the technological presentations, the Crown Agencies, Cooper Legal and the Inquiry will provide the subset of documents they wish their witnesses to refer to, or which they wish to refer to other witnesses if given leave to question by the Inquiry, a minimum of seven (7) days prior to the commencement of the hearing phase to which they relate, namely:
 - (a) No later than **Friday 11 September 2020** for any witnesses appearing in phase one; and
 - (b) No later than **Friday 9 October 2020** for any witnesses appearing in phase two.

Parties are encouraged to provide their documents to the Inquiry at the earliest possible date prior to the above deadlines. This is solely to facilitate hearing presentation and associated redactions. The Inquiry will not be serving or exchanging these documents with any Core Participant.

11. If a party wishes any words, paragraphs, sections or other parts of any document to be highlighted when displayed on the screen, they must clearly be identified to the Inquiry when providing the document. Communications relating to this should be addressed to Josh Bannister, Evidence Manager, Royal Commission of Inquiry: josh.bannister@abuseincare.org.nz.
12. Should a matter arise during the course of the hearing resulting in a party wishing to have any further document/s displayed electronically on the screen, the Inquiry will make all reasonable endeavours to facilitate that, but parties are requested to provide as much notice as possible, and a minimum 24 hours is requested.
13. For the avoidance of doubt, any document that is produced for presentation via technology will be taken to be provided on the basis the full document (i.e. not just the part displayed on the screen) can be made publicly available on the Inquiry website at the conclusion of that witness's evidence, subject to a minimum **72 hour delay** (but at the sole discretion of the Inquiry) to ensure compliance with any s15 orders or agreed redactions.

Section 15 Inquiries Act Orders

14. Since Minute 7, the Inquiry has issued a General Restriction Order and Practice Note 4 – Section 15 Orders – Anonymity and Redactions, both dated 11 June 2020. The provisions in those documents now apply. They are publicly available on the Inquiry website.
15. The s15 Inquiries Act orders made in Minute 7, paragraphs 17, 19 and 20, continue in force.
16. Parties may apply for further s15 orders if they consider that necessary. These applications should be received no later than **Friday 11 September 2020** to enable time for consideration by the Inquiry and any additional orders to be issued prior to the commencement of phase one of the hearing.

Leave to question

17. Paragraph 24 of Minute 7 directed that all applications for leave to question be received by the Inquiry no later than 13 March 2020. Applications were received from:
 - (a) The Crown; and
 - (b) The Waitangi Tribunal claimant group (Māori survivors of abuse in state care with claims before the Waitangi Tribunal "**The Waitangi Tribunal claimant group**").
18. The intervention of COVID-19 resulted in the Inquiry not ruling on these applications. Decisions will be communicated to the applicants and Core Participants no later than Friday **28 August 2020**.

Te Reo translations

19. The Inquiry is committed to ensuring that where counsel or a witness wishes to communicate with the Commissioners in te Reo, appropriate arrangements will be made.
20. To ensure this commitment is honoured, and access to te Reo translation services are available for all those who wish or require it, where it is known they are needed or desired parties are requested to notify the Inquiry a minimum of **10 days in advance** of such translation services needing to be available.
21. To assist, the proposed hearing schedule will be made available on the Inquiry website.

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

24 July 2020

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

Judge Coral Shaw
Chair