



# Abuse in Care

Royal Commission of Inquiry

---

## MINUTE 17

### DIRECTIONS ON HOSPITALLER BROTHERS OF ST JOHN OF GOD PUBLIC HEARING

27 JANUARY 2022

---

- 1 This Minute sets out directions on the Royal Commission of Inquiry's upcoming public hearing into abuse in the care of the Hospitaller Brothers of St John of God (Order of St John of God) at Marylands School, the St Joseph's orphanage and the Hebron Trust. It relates only to this hearing. [Practice Note 6 - Public Hearings](#) sets out further directions on public hearings.

#### Timetabling

- 2 The Hearing will commence on Wednesday 9 February 2022. The Hearing will be located at the Commission's hearing room at Level 2, 414 Khyber Pass Road, Newmarket, Auckland.
- 3 The Hearing is scheduled to finish on 17 February 2022 and will run from 10:00am to 5:00pm on 9-11 and 17 February and 9:45am to 5:00pm on 14-16 February. There will be a lunch break between 1:00pm and 2:15pm, subject to any further directions by the Chair.
- 4 A proposed hearing schedule is attached to this Minute at Appendix A. This hearing schedule may be subject to change.

#### Opening and closing statements

- 5 Subject to any changes directed by the Inquiry:
  - a. Counsel for each core participant is permitted a maximum of 10 minutes at the commencement of their section of the hearing to make an opening statement.

This will occur directly after the opening statement of Counsel Assisting the Commission.

- b. Core participants (whether in person or by counsel) are permitted a maximum time of 30 minutes for oral closing submissions on Thursday 17 February 2022.
- c. Should Counsel for core participants and those granted leave to appear wish to file written closing submissions, they should be filed no later than 5pm Wednesday 16 February 2022.

### **Directions relating to questioning of witnesses**

- 6 [Practice Note 6 - Public Hearings](#) sets out the process for applications for leave to question witnesses. These applications must be made no later than 10 working days before the beginning of the public hearing.
- 7 An application for leave to question Dr Mulvihill and Detective Superintendent Peter Read on certain topics was filed by the Bishops and Congregational Leaders in Aotearoa New Zealand through Te Rōpū Tautoko and was granted on 26 January 2022.
- 8 In relation to questioning witnesses, the following directions are made, subject to further directions at the hearing as required:
  - a. Where a witness is scheduled to give evidence for a half-day, evidence in chief should take no more than 45 minutes.
  - b. Where a witness is scheduled to give evidence for a full day, evidence in chief should take no more than 1 hour.
  - c. Where a witness is scheduled to give evidence for a different amount of time, the Inquiry will notify their counsel of the amount of time they may use for questioning.
  - d. The Commissioners and Counsel Assisting will have the opportunity to question the witnesses.
  - e. Any further questioning will be determined by the Chair.

### **Protocol for document management in hearing**

- 9 The Inquiry may use 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.

- 10 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 emailed to [evidence.management@abuseincare.org.nz](mailto:evidence.management@abuseincare.org.nz).
- 11 Should a matter arise during 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 of 24 hours' notice is requested.
- 12 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's 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 s 15 orders or agreed redactions.

### **Section 15 Inquiries Act Orders**

- 13 The Inquiry has issued a [General Restriction Order](#) and [Practice Note - Section 15 Orders - Anonymity and Redactions](#) reissued on 2 September 2020. The provisions in those documents apply. They are publicly available on the Inquiry website.
- 14 Parties may apply for s 15 orders if they consider that necessary. These applications should be received no later than 28 January 2022 to enable time for consideration by the Inquiry and any additional orders to be issued prior to the commencement of the hearing.

### **Religious attire**

- 15 The Inquiry directs that religious attire or uniforms are not worn by anyone attending the public hearing, including witnesses. Such attire may be triggering for survivors, and survivor well-being is integral to the work of the Inquiry.

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



Coral Shaw

**Chair**

27 January 2022

## Appendix A – Proposed Hearing Schedule

WITNESS	START TIME
<b>Day 1 – Wednesday 9 February 2022</b>	
Opening statements – Counsel Assisting the Royal Commission and Core Participants	10.00am – 11:30am
Donald Ku	11.45 – 1.00pm
Mr DF (via AVL)	2.15 - 3.30pm
Ms DN	3.45 – 5.00pm
<b>Day 2 – Thursday 10 February 2022</b>	
Adam Powell	10 - 11.30am
Mr DG	11.45 – 1.00pm
Darryl Smith	2.15 - 3.30pm
Mr DE	3.45 - 4.45pm
Mr AU (pre-recorded)	4.45 - 5.00pm
<b>Day 3 – Friday 11 February 2022</b>	
James Tasker	10.00 - 11.30am
Mr DH	11.45 - 1.00pm
Mr DI	2.15 - 3.30pm
Danny Akula	3.45 - 4.45pm
Ms AM (pre-recorded)	4.45 - 5.00pm
<b>Day 4 – Monday 14 February 2022</b>	
Mr AL (pre-recorded))	9:45 – 10:00am
Dr Michelle Mulvihill (via AVL)	10:00 - 12.15pm
Ken Clearwater	12.20 - 1.00pm and 2.15 - 2:30pm
Sonja Cooper and Sam Benton (Cooper Legal)	2.35 - 3.30pm and 3.45 - 4.45pm
Mr DJ (pre-recorded)	4:45 - 5:00pm
<b>Day 5 – Tuesday 15 February 2022</b>	
Mr AQ (pre-recorded)	9:45 – 10:00
Br Timothy Graham (via AVL)	10.00am – 4:45pm
Trevor McDonald (pre-recorded)	4:45 – 5:00pm
<b>Day 6 – Wednesday 16 February 2022</b>	
Mr DA (pre-recorded)	9:45am – 10:00am
Archbishop Paul Martin	10.00 - 11.30am
Detective Superintendent Peter Read	11.45 - 1.00pm and 2.15 - 2.30pm

Oranga Tamariki and the Ministry of Social Development	2.30 - 3.30pm and 3.45 - 4.45pm
Mr DL (pre-recorded)	4:45 - 5:00pm
<b>Day 7 – Thursday 17 February 2022</b>	
Mr CB (pre-recorded)	10:00am – 10:05am
Mr CZ (pre-recorded)	10:05am – 10:15am
Mr DM (pre-recorded)	10:15am – 10:25am
Marylands Multimedia	10:25am – 11:00am
Closing addresses – Core Participants	11:45am – 1:00pm