

Royal Commission of Inquiry into Abuse in Care

Crown statement for contextual hearing

29 October 2019

E te rau rangatira, e te mano roimata
e ārahi ana i tēnei kaupapa nui whakaharahara,
tēnā koutou, tēnā koutou, tēnā koutou katoa.

On behalf of the Crown, I acknowledge the Commissioners, the Survivor Advisory Group, those who have already spoken at the hearing, those still to speak, and all survivors and their advocates here and watching the streamed broadcast. I appear at this contextual hearing to listen to the witnesses who will give evidence to the Commission at this hearing, and to deliver a short statement on behalf of Crown agencies regarding the Crown's engagement with this Royal Commission.

Caring for children and vulnerable adults is a vital and valued responsibility. Societies are judged by how well they care for their most vulnerable members. It is a responsibility of government to protect children and vulnerable adults from harm and to promote their welfare. At times we have failed in government, as a society, and sometimes as individuals in the vital role of protecting our most vulnerable.

Our country needs a thorough and open investigation to help bring failings to light. It is important to hear from those who were wronged, to learn from what they say, and to make the changes needed for New Zealand's care system to be stronger and safer for everyone.

The Crown acknowledges that Māori have been heavily impacted by the State care system. We need to understand why Māori remain over-represented in state care, and how this has affected generations of whānau, hapū and iwi.

The Crown welcomes the Royal Commission's extensive examination of historical abuse and neglect in care, and acknowledges the events that have led us to this point. The Crown is not here today to make any statements or claims that might be seen as pre-empting whatever emerges from the Royal Commission's hearings and investigations. Rather, I will simply explain how the Crown will engage with and respond to the Commission, and the spirit it will bring to its participation in this important role.

I have been asked to assure the Royal Commission that the Crown is determined to do what it can to help the Commission deliver meaningful outcomes for historic abuse survivors, along with applying any lessons that are relevant to today's care systems. This means backing a process that ensures survivors are heard, and feel heard. A process that allows harm to be acknowledged and reconciled. In particular, it means recognising and respecting the experiences of Māori and disabled peoples, two groups that are highly involved in, and affected by, the State care system.

How will the Crown achieve this? The starting point has been committing the many arms of the State that play a part in the care system to a common set of principles guiding all aspects of the Crown's engagement with the Royal Commission and survivors. The six principles

were agreed by ministers in Cabinet and issued in May this year as the core of a paper setting out the approach the Crown will bring to the Royal Commission. The principles are a firm undertaking, and the Crown expects to be held to them. They aim to ensure the vulnerable are heard and valued, and that the inquiry process is respected and supported. They guide government participation in hearings and investigations, as well as the Government's broader support for the Commission's work.

The principles are:

- manaakitanga –that is, treating people with the compassion, fairness, and respect that upholds the mana of all those involved;
- openness – being receptive to new ideas, and to reconsidering how things have been done in the past and the way agencies operate now;
- transparency – sharing knowledge and information held by the Crown, including the reasons behind key actions;
- learning – listening attentively to survivors, learning from the Royal Commission, and using that information to improve systems;
- being joined up – agencies working together closely, helped by a dedicated secretariat and chief executive sponsoring group, to make sure government engagement with the Royal Commission is coordinated and resulting actions on recommendations are collectively owned; and
- meeting obligations under Te Tiriti o Waitangi –honouring the Treaty principles, meeting Crown obligations and building a stronger Māori-Crown relationship through the way the Crown operates and behaves during this process and after it, when implementing its lessons.

Many people had experiences as children or vulnerable adults in state care that destroyed their trust in government. The Crown acknowledges that, and intends to show its commitment to transformation by adhering to the six agreed principles. In hearings the Crown will take care to ensure that what it says, and how it is said, upholds the mana of survivors.

I have been speaking about the Crown as a single body, but the Commission will understand that it is a collection of agencies and institutions that have changed over time. The historical picture is complex and fragmented, spread across the health, education, social welfare, and justice sectors.

The nature of state care, and the organisations and roles within the system, shifted over the half century from 1950. The specific names, structures and sizes of the organisations changed, but remained a diverse group from 1950 to 1999, and on to today. A timeline listing major organisational and legislative changes has been submitted to the Royal Commission, and the Crown would welcome its publication to help provide clarity on how the elements of the State care system have changed.

Partly because of the many structural changes to the care system, record-keeping was, at times, patchy. We acknowledge that over the decades, agencies have been inconsistent record keepers.

The Crown will provide information that is as complete and well-organised as possible, and will do its best to track down all relevant records and supporting material. The Crown will make the relevant staff available to attend hearings.

Over the years, particular events or institutions have been the subject of targeted inquiries that led to specific changes. The Crown welcomes the opportunity to step back and look at the whole picture. The Royal Commission of Inquiry is a chance for New Zealand to understand and address what occurred across the whole care system.

The Crown today is different to what it was 70 years ago, and it will be different in 70 years' time. Over the past two decades the Crown has made changes to improve safety, protection and the availability of redress within the system. There have been efforts to improve quality and professional standards, including stronger systems for reporting concerns and misconduct, better vetting and approval of education and social workers and providers, and the work currently underway to set up stronger independent monitoring for the Oranga Tamariki system.

In the mid-2000s the Crown introduced a structured historic claims approach, involving the Ministries of Social Development, Education and Health. Over 4,000 claims have been received to date, with approximately half of these settled so far. Work on reviewing and improving access to and processes for redress of historic wrongs is ongoing, and the Crown looks forward to what can be learnt from the March 2020 redress hearing which will focus on this area.

Improvements to all of these institutions and systems are ongoing, and the Crown recognises that it needs to do more. It will welcome the Royal Commission's findings that contribute to further change and better care for the vulnerable.

In short, the Crown is here to listen and learn; to provide the Commission with the information and evidence it needs to help explore the past, to see what it means for today, and to make the recommendations on what can be done to improve the future.

Otirā, tēnei te mihi a te taringa areare ki ngā taonga o te kaupapa nei.
Rau rangatira mā, tēnā koutou, tēnā koutou, kia ora tātou katoa.