

Under the Inquiries Act 2013

In the matter of the Royal Commission of Inquiry into Abuse in State Care and in the Care of Faith-based Institutions

Brief of Evidence of David MacDonald Howden for the Ministry of Justice – Redress

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1 Witness statement

1.1 My full name is David MacDonald Howden.

Introduction and background

1.2 I am currently employed at the Ministry of Justice (**Ministry**) in the role of Senior Policy Adviser in the Criminal Law Policy Team. I have held my current role since November 2019.

1.3 Prior to this role I was employed by the Legal Services Agency (LSA) as a National Specialist Adviser, where I also had managerial responsibilities in relation to the other (up to) seven National Specialist Advisers. One of my responsibilities was to provide advice to LSA grants staff.

1.4 I held this role between 2011 and October 2019. I was at the LSA when it was disestablished in 2011 and responsibility for legal aid was taken over by the Ministry of Justice under the Legal Services Act 2011.

1.5 I was appointed as a National Specialist Adviser with the LSA in 2002. As a National Specialist Adviser I was required to have demonstrated experience in at least two relevant areas of law and at least 7 years of legal practice. Generally National Specialist Advisers were senior lawyers with over 15 years' experience in practice.

1.6 Prior to joining the LSA I worked as a lawyer in private practice for approximately 25 years, latterly in my own practice. My practice was initially in criminal and general civil litigation. As time went on I specialised in family law, including acting as lawyer for the child and assisting the court. I also chaired the Family Court Association for a period.

1.7 During my time in private practice, I was involved in legal aid administration through the New Zealand Law Society from 1988. That involvement included chairing Legal Aid Committees and I also held appointment as convenor of the Wellington District Legal Aid Committee.

Brief of evidence and reply brief of evidence of Brett Anthony Dooley

1.8 I have read and agree with Mr Dooley's brief of evidence dated 27 January 2020 and reply brief of evidence dated 6 March 2020.

1.9 I additionally note, further to paragraph 4.10 of Mr Dooley's primary brief, that the costs judgment against LSA referred to in that paragraph and costs awards against LSA in other cases were a factor taken into account as part of LSA's risk assessment in decisions regarding the funding or continuation of funding for historic abuse litigation.

- 1.10 I have direct knowledge of the history of legal aid for historic abuse claimants (including those represented by Cooper Legal) as well as an understanding of the general principles, legal framework and administration of legal aid as described in Mr Dooley's primary and reply briefs of evidence. I am available to answer any questions at the redress hearing in relation to those matters, to the extent that they fall within my knowledge, experience and recall.

GRO-C

David MacDonald Howden