



Abuse in Care
Royal Commission of Inquiry

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

Quarterly Report

As at 30 September 2019



Purpose

This report updates you about the high-level activity of the Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Commission) and year-to-date spend through to 30 September 2019. It also draws your attention to key activities planned through to 31 December 2019.

Highlights for quarter ended 30 September 2019

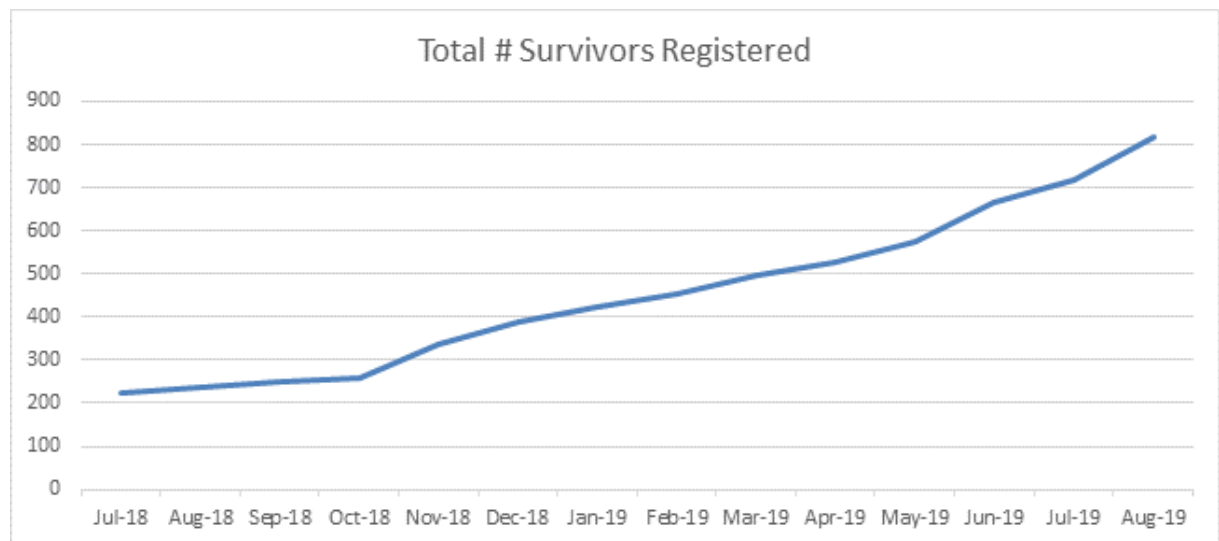
Key highlights for the quarter include:

- Negotiations have been completed to secure a public hearing space in Auckland. The Commission took possession of the new hearing space on 1 October 2019 and has commenced the fit out of the new premises. On 25 September 2019 Cabinet agreed to additional funding for public hearing spaces and offices in Auckland and Wellington (SWC-19-MIN-0136 refers);
- A Procedural Hearing took place in August 2019 to provide further information about how the Commission will be undertaking the Inquiry;
- Preparation for further Public Hearings, which will start later in the year and into 2020 gathered pace during the quarter. The focus has been on preparation for the Commission's Contextual Hearing in beginning on the 29 October 2019;
- Investigations that could lead to Public Hearings are underway. This includes the topic of redress that will likely run through the life of the Inquiry. The next Public Hearing is on Redress (civil claims and litigation) and is expected to be held in March 2020. Other potential investigation topics include Residential (boys, girls, mixed, short and long term), Foster care and Adoption;
- Policy work is underway to support the March 2020 Redress Hearing, including a roundtable on Redress planned to precede the Hearing next year;
- On 25 September 2019 Cabinet agreed to fund participants legal costs under section 18 of the Inquiries Act, based on the Commission's estimate of legal costs of \$8.7M in this financial year and through 2020/21 (SWC-19-MIN-0136 refers). Work with the Department of Internal Affairs to establish the administrative processes to support applications from participants for legal assistance are progressing well;
- The total number of registrations by survivors, advocates and organisation representatives continues to grow. As at 30 September 2019 the Commission had received approximately 1400 registrations of people and organisations. The graph below shows survivor registrations since July 2018:



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- It is important to note, however, that registrations are still below anticipated levels, but broadly comparable to progress experienced by similar inquiries in other jurisdictions. These jurisdictions have also seen an increase in the number of registrations following their first substantive public hearing;
- Private sessions, where survivors share their experiences of abuse, continued during the quarter. Commissioners visited venues in Auckland, Hamilton, Dunedin, Nelson, Whangarei, Wanganui and Christchurch. They also visited Rimutaka, Auckland South and Springhill prisons. A total of 77 sessions were held with survivors in the last quarter. A total of 146 private sessions have been completed to date;
- The Commission continued the recruitment of key staff and resources to support its operations. Based on the Commission's estimates of costs for the activity required to deliver on the Terms of Reference, costs are expected to be higher than originally anticipated. Given the current uncertainty until final Budget decisions are made (refer below) the Commission is adopting a contingent workforce approach using large numbers of contract (approximately 60%) and fixed term resources to provide flexibility;
- When the budget for the Commission was agreed Cabinet noted the likelihood of additional funding being required to deliver on the Terms of Reference (ToR) set by the Government. The Commission is required to provide an indication of the budget required to complete the Inquiry as part of the interim report back in December 2020;
- The Commission has developed, and had independently assessed, a series of options for funding to fully deliver on the Inquiry's ToR. These will be provided to the Department and Treasury well in advance of being required for Budget 21;
- The Commission launched its new website in August 2019. The new site is specifically designed for survivors and supports the Commission's new look and recent rebranding. The new site is already supporting increased awareness of the Commission's activities and encouraging participation and registration by survivors. Since then website page views are up 11% and new users up 33% month on month;



- Dr Nicola Atwool spent three days with the Royal Commission in September training both Commissioners and staff to continue to build our understanding and capability as a trauma informed organisation.

Upcoming activity to December 2019

Planned activities for the quarter ending 31 December 2019 include:

- The Commission's first full Public Hearing, a contextual hearing, will take place in the Rydges Hotel in Auckland from the 29 October to the 8 November. The Hearing will examine key elements that led to the establishment of the Royal Commission and how Te Tiriti o Waitangi and its principles underpin the investigation. The Hearing will also look at the issues that will be examined, including the disproportionate extent of abuse in care for whānau Māori. A number of academics, historians and survivors will be giving evidence at the hearing;
- The Commission has engaged with Ngati Whatua (recognised manawhenua for Auckland City) and Chief Executive Rangimarie Hunia to ensure a meaningful engagement with regards to the Contextual Hearing and providing cultural support, guidance and tikanga. The next scheduled meeting is on the 25th October to provide Ngati Whatua with a venue walk-through and an outline of the processes and procedures to identify the potential challenges and opportunities for manawhenua advice. This model of upfront engagement is likely to be replicated for future hearings;
- The Commission will continue with its proactive media approach leading up to and after the Contextual Hearing;
- Preparations for the Redress Public Hearing in March 2020 will continue in the next quarter. An Issues paper has been released and submissions have been invited from interested individuals and government and non-government organisations on key topics. Submissions close on 12 December 2019. A list of witnesses is also being developed;
- Preparation for further public hearings, which will start later in 2020, will continue during the quarter. The hearings will see people give evidence and make submissions. Public hearings will involve institutions, lawyers, academics, some survivors and their networks;
- The Commission has decided to pause any further engagement with Survivor Advisory Group members individually, or as a group, until all vetting of members has been completed, a process that could take 4-6 weeks. All members have been advised of this requirement. We have also reminded them of our expectations around their behaviour. Members, like Royal Commission staff, have obligations under the Health and Safety at Work Act. They have been reminded that breaches of these standards may result in their removal from the Survivor Advisory Group.
- The Commission has also commenced, as a priority, a review of Health & Safety processes and practices across the organisation. This builds on a previous baseline review completed earlier this year. The review will target Health & Safety practices in key areas to ensure obligations are fully understood, practices conform to requirements and risk are mitigated;



- The Commission has been negotiating with the Crown Secretariat to gain access to Crown records that will provide information on the “cohort” of people that went through state care during the period covered by the Inquiry;
- The Commission will continue to work with the Department of Internal Affairs to finalise the administrative processes to support applications for the Crown to pay participants legal cost under section 18 of the Inquiries Act 2013 in time for the substantive Public hearings beginning next year;
- Private sessions will continue during the quarter. Like the previous quarter Commissioners are planning to visit a number of metropolitan and regional locations;
- Significant planning work will continue in the quarter to ensure the Commission is well positioned to deliver its first interim report in 2020;
- The Commission will commence discussions with the Department of Internal Affairs and other officials on the budget options developed for completion of the Inquiry.

Financial summary to 30 September 2019

Departmental Output Expense: Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions.

Output	Total spend to date (\$m)	Multi-year Budget (\$m)
Operating expenses	12.303	56.066
Commissioner fees	0.606	6.123
Counselling costs	0	15.335
Capital spend	0.535	1.325