



Summary of Speeches from the Commissioners at the Procedural Hearing Monday 19th August 2019

Chair Satyanand

We acknowledge the survivors, their whānau, supporters, Inquiry ambassadors and members of the Survivor Advisory Group.

As outlined in the Preliminary hearing the Royal Commission will use four methods to complete our work:

- Private sessions
- Public hearings and roundtables
- Research and policy
- Outreach and community engagement

These are all important ways for the Commission to hear from many different people and gather quality information.

Commissioner Erueti

To find out more about the different ways be involved in the Inquiry:

- Go to our website www.abuseincare.org.nz
- Call us on 0800 222 727

This Procedural hearing will help us get ready for the Contextual hearing (29 October - 8 November 2019).

Today we will:

- Explain some of the terms we use in hearings
- Talk about how the Contextual hearing will run

NOTE: there will not be any witnesses called today

The Contextual hearing 'sets the scene' for all our public hearings. At the Contextual hearing we will hear from survivors, advocates, academics and specialists.



Public Hearings

There are 8 pou (pillars) from the Terms of Reference to guide all our work, including public hearings:

- Voice
- Circumstances of going into care
- Nature and extent of abuse
- Impact of the abuse
- Systemic factors
- Redress and rehabilitation
- Transforming how we care
- Te Tiriti o Waitangi

The law says that public hearings must be:

- Independent
- Impartial
- Fair

This means:

- There will be some legal terms we have to use but we will explain what they mean
- Sometimes we need to use the law as it will protect the people taking part
- Our processes are open and accessible
- You do not need a lawyer
- The Inquiry is not like a Court trial – it is not adversarial. For example, the Commissioners will decide who can question the witnesses and what they can ask.
- The Inquiry must treat people fairly
- Commissioners will make sure the hearings allow people to feel as comfortable as possible.

Commissioner Gibson

We will observe tikanga Māori in the public hearings. The Commissioners recognise the different needs of the people and communities that take part. For example, some public hearings will be held on marae or in Community Centres to make people feel more comfortable.



Accessibility and Support

- Venues and processes will be accessible for disabled people, their whānau and supporters
- There will be a NZSL Interpreter for all public hearings
- There will be different ways to give evidence such as a panel or group of witnesses
- Witnesses can be anonymous or have other support to help them take part
- Wellbeing staff will be present at all public hearings

Commissioner Aloffivae

We welcome feedback on our processes and on the public hearings.

The Inquiries Act 2013 says that a person, group or organisation is a Core Participant if:

- They had a big part to play in the topic being investigated
- They have a significant interest in the topic
- They may be criticised in the hearing

It is not necessary to be a Core Participant to take part in a public hearing.

Core Participants:

- Will be able to give evidence and make submissions at a hearing
- Core participant status may be granted for particular hearings
- Applications can be made at any time – contact us to find out how
- A number of people and organisations have already applied to be Core Participants

The Commissioners would like survivors, advocates and community groups to apply to be Core Participants, where relevant. People with shared experiences or backgrounds can come together and apply as a group.

Commissioners are working on the topics and themes that will be covered in the public hearings from 2020 to 2022.

Once the schedule is confirmed we will share it widely.

A 'scope document' will be put out before each hearing. This outlines what the hearing will be about.



Commissioner Shaw

Leave to Appear

The Commissioners will decide who can take part in a public hearing. When making their decision they will think about:

- Whether that person has important evidence
- The number of witnesses that may have evidence
- Whether the person needs to talk so that the hearing is fair (natural justice)

If granted leave to appear then the Commissioners will let them know HOW they will be involved in the hearing.

Legal Assistance Funding

People appearing may need independent legal advice.

Anyone who is appearing in a public hearing can apply to have a lawyer paid for them from the Commission's Legal Assistance Fund.

The details of this are still being worked out and will be shared once finalised.

The lawyers who are providing legal assistance will come from diverse backgrounds.

Those granted leave to appear at this Procedural hearing:

- Ms Annette Sykes (advocate/lawyer)
- Ms Sonja Cooper (advocate/lawyer)
- The Anglican Church
- The Crown
- The Catholic Church
- The Salvation Army

Counsel Assisting Simon Mount: Common issues raised by those given leave to appear

Privacy and Confidentiality Orders

There are concerns about the privacy of survivors, their whānau and supporters. We need to make sure their confidentiality is protected. The Commission takes this very seriously. We have systems to protect personal information and keep it confidential.



Abuse in Care

Royal Commission of Inquiry

The Crown and the Salvation Army have agreed to waive confidentiality so survivors who have signed a non-disclosure agreement can talk to the Inquiry.

Section 15 of the Inquiries Act 2013 lets the Inquiry make orders around confidentiality of information. The orders will be published on our website. This means that there will be protection for those that need it.

Timing of information requests

The Commission will try to give organisations as much time as possible to find documents that we have requested.

The organisations will be expected to put effort into finding that information quickly. We all need to work on this together.

Hearings Programme and Structure

We are considering the topics and themes and a schedule of public hearings will be put out soon.

Natural Justice and Amicus Curiae

The Crown suggested we appoint Amicus curiae to ensure that there is natural justice at the hearings.

The Commission believes that Counsel Assisting will be able to make sure the Inquiry is fair. Counsel Assisting will let the Commissioners know if any party needs to be present at the hearing or needs a lawyer.