



MINUTE 20

**DIRECTIONS ON THE FOSTER CARE INVESTIGATION
PUBLIC HEARING:**

Foster Care Survivor Hearing

DATED: 27 May 2022

1. This Minute sets out directions on the Royal Commission of Inquiry's upcoming public hearing into abuse in foster care (the **hearing**). It relates only to this hearing. [Practice Note 6 - Public Hearings](#) sets out further information on public hearings.

Timetabling

2. The hearing will commence on Monday 13 June 2022. The hearing will be located at 414 Khyber Pass Road, Newmarket, Auckland.
3. The hearing is scheduled to finish on Friday 17 June 2022 and will run from 9:30am to 5:00pm with a lunch break between 1:00 pm and 2:15 pm Mondays-Thursday, and between 12:00 pm and 1:00pm on Friday, subject to any further directions by the Chair.
4. On Monday 13 June 2022, the hearing will begin with a mihimihi starting at 9:30 am. From Tuesday to Friday, the hearing will begin with a karakia and waiata. We will close each day also with a karakia and waiata. Further directions in relation to timetabling may be made to the Chair.
5. A proposed hearing schedule is attached to this Minute at [Appendix A](#). This hearing

schedule may be subject to change.

Contingency

6. For reasons outside of the Inquiry's control, it may be necessary to defer or postpone the hearing including relocating the hearing.
7. Should that occur, the contingency plan attached as **Appendix B** sets out the process.

Opening and closing statements

8. 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 the hearing to make and 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 of 15 minutes for oral closing submissions on Friday 17 June 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 on Thursday 16 June 2022.

Directions relating to questioning of witnesses

9. Practice Note 6 - Public Hearings sets out the process for applications for leave to question witnesses. All witnesses at the hearing are survivors. Accordingly, pursuant to Practice Note 6 exceptional reasons are required before leave will be granted. Any application to question witnesses must be made no later than **Friday 3 June 2022**, for it to be determined by the Chair before the hearing commences.

Protocol for document management in hearing

10. The Inquiry will be using 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.
11. If a participant 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 addressed to the Inquiry's Evidence Management team at evidence.management@abuseincare.org.nz.
12. Should a matter arise during the course of the hearing that results in a participant wishing to have any further document/s displayed electronically on the screen, the Inquiry will make all reasonable endeavours to facilitate that. Participants are requested to provide as much notice as possible, and a minimum of 24 hours' notice is requested.
13. Any document that is shown at the hearing through presentation technology will be taken to be provided on the basis the full document (ie, 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 (at the sole discretion of the Inquiry) to ensure compliance with any s 15 orders or agreed redactions.

Section 15 Inquiries Act Orders

14. 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.

15. Parties may apply for s 15 orders if they consider that necessary. These application should be received no later than 5pm on Friday 3 June 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 and uniforms

16. 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** Date: 27 May 2022



APPENDIX A

START TIME WEEK ONE

Day 1 – Monday 13 June 2022

9:30am	Mihimihi
	Welcome statement – Chair Coral Shaw
10:00am	Opening statements by Counsel Assist and Crown Counsel
10:30am	<i>Break</i>
10:45am	Hemi McCallum (read by whānau)
11:30am	<i>Break</i>
11:45am	Mr EH
1.00pm	<i>Kai a te rānui</i>
2:15pm	Elison Mae
3:30pm	<i>Break</i>
3:45pm	Expert witness: Dr Sarah Calvert
4:45pm	Closing karakia and waiata

Day 2 – Tuesday 14 June 2022

9:30am	karakia and waiata
9:45am	Expert witness: Dr Sarah Calvert
10:45am	Mr EC
11.30am	<i>Break</i>
11.45am	Mr EC cont'
12:00pm	Kath Coster
1:00pm	<i>Kai a te rānui</i>
2:15pm	Expert witness: Dr Tania Cargo
3:30pm	<i>Break</i>
3:45pm	Expert witness: Dr Alayne Mikahere-Hall
4:45pm	Closing karakia and waiata

Day 3 – Wednesday 15 June 2022

9:30am karakia and waiata
9.45am Ms ED
11.30am *Break*
11:45am Stephen Shaw
1.00pm *Kai a te rānui*
2:15pm Expert witness: Associate Professor Emily Keddell
3:30pm *Break*
3:45pm Alex Kaspin (pre-recorded for contingency)
4:45pm Closing karakia and waiata

Day 4 – Thursday 16 June 2022

9:30am karakia and waiata
9:45am Mrs EJ
10:45am Mrs EJ cont' (closed hearing)
11.15am Ms EL (closed hearing)
11.45am *Break*
12.00pm Ms EM (pre-recorded for contingency, closed hearing)
1.00pm *Kai a te rānui*
2:00pm Ms EF
3:00pm Erica Dobson & audio by Darryl Brougham (Erica's late brother & survivor)
3:45pm *Break*
4:00pm Excerpt of documentary 'I Am' (Darryl Brougham's experience in State care) video (this will not be live streamed).
4:25pm Excerpt from Darryl Brougham's book, "Through the Eyes of a Foster Child My Childhood in Over 30 New Zealand Homes", read by Darryl's widow, Emily Gao, to close.
4:45pm Closing karakia and waiata

Day 5 – Friday 17 June 2022

9:30am karakia and waiata

9:45am Morning Survivor-led panel, with expert participation, facilitated by Dr Tania Cargo:
Survivors: Frederick Williams, Neta Kerepeti, Dallas Pickering, Kath Coster.
Expert witnesses: Dr Sarah Calvert, Dr Ian Hyslop

10.45am *Break*

11.00am Survivor-led panel cont'

12.00pm *Kai a te rānui*

1:00pm Afternoon Panel 1: facilitated by Dr Ian Hyslop:
Survivor: Elison Mae
Expert witnesses: Dr Moana Eruera, Lady Tureiti Moxon, Dr Valerie McGinn

2:15pm *Break*

2:30pm Afternoon Panel 2: facilitated by Dr Ian Hyslop:
Survivors: Mr Liua Vatuvei, Ms Neta Kerepeti
Non-survivor witness: Mr Denis Smith
Expert witnesses: Dr Alayne Mikahere-Hall, Dr Tania Cargo, Dr Teuila Percival.

4:00pm *Break*

4:15pm Closing submissions by Counsel Assist and Crown Counsel

4:45pm Mihi whakawātea and waiata

APPENDIX B – Contingency plan

Scenario 1: where survivors are unable to travel to Auckland due to sickness or otherwise

1. The current COVID Protection Framework does not provide for national lockdowns, it is however possible that Government could introduce localised lockdowns which may restrict movement of people within regions which could impact attendance at the Auckland Hearing Space. The Commission does not have the capacity to defer the hearing. An alternative is to hold the hearing virtually.
2. If the hearing was interrupted due to someone contracting COVID and attendees having to self-isolate it may be possible to use some of the tactics in this scenario to continue to run the hearing. This is dependent on the timing of when this occurred in the hearing and if key people, such as Commissioners, are not feeling unwell.
3. N-Tech has previously ran hearing virtually. We can also use i-sign and stenography services remotely.
4. All staff and contractors involved with the hearing will need to connect via AVL.
5. The Inquiry currently has 6 laptops (unlocked) with sim cards that can be provided to witnesses to provide their evidence.
6. Two of the thirteen survivors giving evidence will have their evidence pre-recorded. We also have a video recording of documentary of one survivor. Those that we are unable to record to present at the hearing could either provide their evidence by AVL or offered an opportunity to be recorded at a later date and for their story to be presented via other channels such as our website.
7. A runsheet is currently being developed by the multidisciplinary foster investigation team.

Scenario 2: Lockdown in Auckland due to Covid

8. This scenario is considered to be unlikely now that the whole country has been put into traffic light orange with further restrictions likely to be lifted by June. However, the COVID protection framework does allow for localised lockdowns to be imposed with travel and border restrictions.
9. A lockdown in Auckland would mean that the majority of witnesses may not be able to travel to the Auckland hearing centre, because Auckland was in a regional lockdown.
10. The Commission does not have the capacity to defer the hearing. An alternative is to hold the hearing virtually similar to the plan outlined in scenario 1, with the addition of utilising the Christchurch Hybrid Hub for survivors in the south island, and the Wellington Office for allow for evidence provided via AVL.
11. Wellbeing – the Commission Wellbeing will provide support to witnesses in Christchurch and Wellington with external providers available to assist, if required.
12. Service Providers (N-Tech; I-Sign; Security; Ngāti Whātua; Stenographer) – can still provide the usual services in the Auckland Hearing Space. It is noted that the Stenographer would provide her service remotely as she resides out of Auckland.

13. Commission Staff – staff requiring to travel to Auckland will need permission from the Executive Director. Under a regional lockdown we wouldn't have any staff travelling into a locked down region (we don't meet the criteria as essential staff.)
14. A runsheet is currently being developed by the multidisciplinary foster investigation team.