



21 June 2023

Tēnā koe

On 28 March 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *All communications and other advice provided to all MSD witnesses and staff who appeared at the Abuse in Care Royal Commission of Inquiry State Institutional Response Hearing, in relation to the hearing.*

On 28 April 2023, the Ministry emailed you to advise that more time was required to respond to your request. There are two reasons that an extension is required. First, the request necessitated a search through a large quantity of information that could not reasonably be completed in the original timeframe. Second, the consultations necessary to make a decision on the request are such that a proper response could not reasonably be made in the original timeframe.

The Ministry has decided to grant your request by way of a summary under section 16(1)(e) of the Act, as releasing communication and advice in the format you have requested would impair efficient administration due to the large volume of information in scope (section 16(2)(a) of the Act refers). Additionally, releasing the communication and advice in the format you have requested would prejudice the interests protected by section 9 of the Act and there is no countervailing public interest (section 16(2)(c) of the Act refers).

I will now outline the interests protected by section 9 of the Act that have been taken into consideration when providing a summary of information.

Section 9(2)(a) has been considered in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Section 9(2)(h) has been considered in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

If the documents in scope of your request were released in their original format, a large number of these documents would require significant redactions due to the sensitive nature of the information. A high-level summary of the information is provided to ensure that the above interests remain protected, whilst also ensuring sufficient information is provided to address any transparency and accountability reasons favouring release of the information.

Communications and other advice provided to the Ministry witnesses

I will now provide you with a summary of the communication and advice provided by the Ministry to witnesses and staff members who appeared at the Royal Commission into Abuse in Care's State Institutional Response hearing.

Three senior Ministry officials appeared at the Royal Commission into Abuse in Care's State Institutional Response hearing; Debbie Power (Chief Executive), Barry Fisk (General Manager Te Kāhui Kāhu) and Arran Jones (Executive Director, Independent Children's Monitor).

The witnesses were provided documents identified by the Royal Commission as being relevant to their areas of interest for the Ministry, ranging from publicly available material to documents that had been provided by agencies to the Royal Commission in response to notices to produce under the Inquiries Act 2013.

This included spreadsheets of claims made about various institutions and individuals, correspondence between claimants and Ministry officials, internal claim documentation, claimant interviews and file notes. Also included were policies and procedures, historical Department of Social Welfare (DSW) memorandums and DSW internal correspondence relating to care providers, historical police documentation relating to alleged perpetrators of abuse, and survivor witness statements to the Royal Commission. The publicly available documents included the Independent Children's Monitor compliance reports, Oranga Tamariki (2018) Regulations and Historic Claims business guidance.

Briefings, in the form of memorandums and emails, were provided to witnesses, that covered the expected focus of the hearing as it related to the Ministry, as well as general communication about procedural matters and practical arrangements for witnesses appearing.

As the Ministry's witnesses were identified by the function and seniority of their role at the time of the hearing, they were not always able to speak to historical events from personal recollection but rather relied on relevant information held by the Ministry. Relevant documents about their area of responsibility within the Ministry, in addition to other preparatory material, was provided to witnesses to support their preparation.

Advice was also provided in other formats such as texts and telephone calls to address ad hoc queries from the Ministry's witnesses.

I would also like to refer you to information that has been made publicly available by the Royal Commission of Inquiry. You can view the witness statements and evidence made during the State Institutional Response Hearing at the following link: www.abuseincare.org.nz/investigations-and-hearings/state-institutional-response-hearing/evidence-of-the-state-institutional-response-public-hearing/.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding communications and advice provided to the Ministry's witnesses for the State Institutional Response hearing, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Molly Elliott
**General Manager
Policy**