



Prime Minister

Minister for Arts, Culture & Heritage

Minister for Child Poverty Reduction

Minister for National Security & Intelligence

15 FEB 2018

Jason Brown
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Ref: PMO OIA 008-2018

Dear Mr Brown

Official Information Act request relating to the Independent inquiry into child abuse

Thank you for your Official Information Act 1982 (the Act) request, received on 17 January 2018. You asked a number of questions with reference to the Ministry Of Social Development Annual Report for 2016. I will address each of your questions in turn:

1. Given MSD estimates of domestic violence and child abuse costing NZ \$5.8 billion, will the inquiry be a full Royal Commission of Inquiry - if not why not?

The inquiry into historical abuse in state care (the inquiry) will be conducted as a Royal Commission of Inquiry, chaired by former Governor-General, Rt Hon Sir Anand Satyanand.

2. Given the continued high incidence of youth abuse and suicide why is government continuing to focus its comments only on "historic" cases?

The Government's focus is on the future of our children in New Zealand. In determining what changes need to be made, it is imperative that we look at, and learn from the past. As we are gathering historical information, we are making, and will continue to make, changes to the ways we care for and raise our current and future generations.

In the context of the inquiry, it is important not only to understand, but also acknowledge, abuse that has occurred in state care

3. Who is government consulting with on setting the terms of reference for the independent inquiry?

Cabinet approved the draft Terms of Reference for the inquiry and have asked Sir Anand, as his first task, to lead public consultation on the draft. The draft Terms of Reference has been published on the Department of Internal Affairs (DIA) website <https://www.dia.govt.nz/Royal-Commission-into-Historical-Abuse-in-State-Care>.

4. Will there be any public consultation before the terms of reference are set - if not why not?

Please refer to my response to your previous question.

5. What official advice have you and your cabinet received on the issue of child abuse?

Advice provided to the Prime Minister identified as potentially relevant to your request is advice provided in briefings to the Prime Minister by the Department of the Prime Minister and Cabinet.

These briefings are provided to the Prime Minister in confidence, in order to support her in her role as leader of the Government and chair of Cabinet. These briefing notes are withheld in their entirety, including their titles, under the following sections of the Act:

- Section 9(2)(f)(ii) as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility.*”
- Section 9(2)(f)(iv) as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.*”
- Section 9(2)(g)(i) as withholding the information is necessary to “*maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.*”

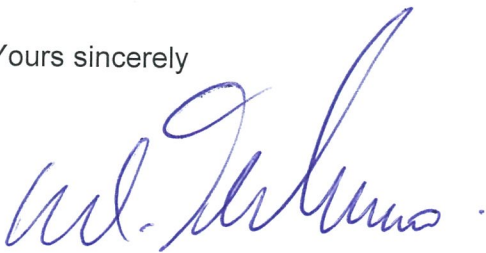
The advice provided to Cabinet (and the Prime Minister as the Chair of Cabinet) is publicly available on the DIA website identified at my response to question 3. above.

6. What advice can be shared with the public?”

Please see my response to question 5. above.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



Mike Munro
Chief of Staff, Office of the Prime Minister