



Te Tari Ture o te Karauna Crown Law

15 December 2021

Crown Law responds to report of Royal Commission of Inquiry into Abuse in Care

Crown Law acknowledges the findings of the Royal Commission's report He Purapura Ora, he Māra Tipu in relation to the Crown litigation response to the claims filed relating to plaintiffs' experiences of State care.

Solicitor-General Una Jagose acknowledges the Crown, as litigator, has not always been survivor-focused. Ms Jagose says the Crown is listening to survivors and the Royal Commission and she says there have been significant changes made in the approach to litigation that Crown Law conducts on behalf of crown agencies.

"We at Crown Law have listened to and learnt from survivors. The Crown sets itself high standards and, in most cases, we meet them. However, we have not always met the high standards people expect of us, and we apologise for that."

Ms Jagose says there have been significant shifts in Crown Law's approach to civil litigation since the early to mid-2000s.

"We have made changes to the way the Crown conducts historical abuse litigation. This recognises the sensitive subject matter and the vulnerability of the claimants and balances Crown Law's role representing the Crown's legitimate interests and upholding the law."

These changes include an agreement to stop the Limitation Act clock for cases concerning the Ministry of Social Development; a more survivor-focused approach to name suppression; agreement by the Crown to repay a claimant's legal aid debt; streamlining discovery processes; endeavouring to settle claims promptly; and improvements to informal processes.

The Royal Commission reports that civil litigation is in general a stressful, expensive, slow, and adversarial process for survivors of abuse in care and is a route blocked by significant legal barriers. Ms Jagose agrees with the Royal Commission that civil litigation is not currently a viable option for the vast majority of survivors.

"We will work with other government agencies to study the report carefully and contribute to developing a response to the specific recommendations."

ENDS

For further information contact media@crownlaw.govt.nz