

Commission of Inquiry into Police Conduct

Hearing held on 22 March 2004

Commissioners

Hon Justice Bruce Robertson and Dame Margaret Bazley

Counsel Assisting the Commission

Ms Mary Scholtens QC and Mr Kieran Raftery

Counsel appearing for the New Zealand Police

Ms Kristy McDonald QC and Mr David Bolt

Counsel appearing for the Police Complaints Authority

Mr John Upton QC

Counsel appearing for the Police Association

Ms Susan Hughes

HON JUSTICE ROBERTSON: Good morning and welcome on behalf of Dame Margaret and myself. The purpose of today is to provide some indication of our preliminary thinking as to what is involved for all of us in this current exercise, to look at some timetabling and some definitional issues, and to determine where we will move forward from at this stage.

I suspect that everybody who has an interest in the Commission has now managed to access a copy of the Terms of Reference either from the website or manually we have sent a good number out to people who have expressed interest and they will continue to be available to any who have a special interest in them. It is, I think, a matter of real importance that everybody does see the Terms of Reference, to be aware of what is included within our remit and, as importantly, what is not included within it.

I don't intend to speak at any length about it. It is, I think, in large part self-explanatory. The one comment which is perhaps worth noting is that if one looks at the document as a whole, it is clear that what we have been invited to consider are matters of, incidental and consequential upon alleged sexual assaults.

One or two people who have contacted us in the last couple of weeks have read some of the material as suggesting that we may be taking a general assessment of the Police Complaints Authority and, subject to anyone wanting to make submissions and persuade us to the contrary, that is not our reading of the document at all. What we are being asked to look at are situations where there have been complaints made to the police, and that is the first thing I think to be noted. There are some people who have written in drawing to our attention matters where they say they were the subject of inappropriate behaviour but there was no reference to the police in any form. Those matters would not fall within our Terms of Reference.

Secondly, it is complaints of sexual assault or similar behaviour made against police officers or people closely associated with them.

So, it is not part of our task to look at general issues relating to sexual complaints but only those which are specifically that. So that, if you fall within the first two hurdles, or overcome the first two hurdles, the next issue then is the question of how the police authorities responded to the complaints they received, and our task will be to assess, evaluate and make recommendations with regard to that, and we will be doing this with regard to positions which have existed in the past and the position which exists now.

Now, to speak in those general terms is relatively simple. Dame Margaret and I realise that there may be some nuances which will require a little more refining and sophistication as we move along in this exercise.

The Terms of Reference specifically refer to two particular incidents. So, they obviously are matters about which we need to be concerned and in respect of which there is available material, to a greater or lesser extent, from which we can begin an inquiry.

You will be aware that we invited others who had particular interest to signify and as a result we have received some material which may come within our Terms of Reference. What we are proposing to do is when we are fully up and running, which will be next week, by that I mean we will have a suite of offices on The Quay, where we will have staff available at all times. At the moment we can be contacted via e-mail or by fax, by next week we will have a real human being who can answer a telephone or an office into which people can come. And, as part of the setup of the office, among the initial staff that we intend to engage, will be a person or people who will make direct contact with those who have told us that they have cause for complaint who appear on their face to fall within our Terms of Reference, and we will be engaging someone to indulge in what I call "getting their story", and I use that phrase advisedly, our concern is simply for people to be able to indicate a time, a place, an incident, people who were involved, so that we can get the necessary background material from which the process which the Commission is required to undertake can be looked at.

That material will be made available by the person who is recording the story to the Commission's counsel who are assisting. The Commission have appointed Mary Scholtens QC and Kieran Raftery to act as counsel assisting them. So that, the information at that stage will be provided to counsel and not to Dame Margaret and myself. They will then make a legal assessment of it and will determine whether these particular people are people who have information about which we should be receiving evidence, and it will then be their task to prepare those people so that their evidence can be presented to the Commission.

It is the Commission's intention that all evidence which it receives will, unless we make some contrary direction or order, be presented by our counsel. There are likely to be some exceptions which we will consider.

I think it is fair to say that the background material which we will need as a first stage in our inquiry from the police should more appropriately be presented by their counsel but that will be a matter for discussion and negotiation between the respective lawyers.

We realise that there will be people who not only have a story to tell but others who find themselves, as a result of those stories and of the evidence which the Commission eventually receives, being in a situation in which they will wish to respond or who may at some circumstance feel that they are likely to be subject to adverse comment. In respect of those people, we will ensure that if they wish to have their own representation while they are being interviewed by our counsel, or alongside them while they are giving evidence, then facilities will be made to enable that to occur. We will be prepared to consider applications for people

to actually lead evidence themselves but it should not be assumed that that is the normal pattern and we would require some good reason why that should occur.

Certainly, if there are people who are at risk of adverse criticism or comment, they would have an opportunity for their counsel to be able to participate in the process as it carries along. I should indicate that our preliminary view is that the Commission will best be assisted if all witnesses who give evidence before it give it themselves, by which I mean the Commission will not receive pre-prepared affidavits or statements which have been created by their lawyers. We are of the view that the issues which we need to get to the bottom of will better be achieved if people use their own words and their own language and talk in a way which is themselves and not the presentation of someone seeking to assist them.

Well, where do we go from here? It seems to Dame Margaret and myself that the first thing that we need to know something about is the system which has existed to respond to complaints of sexual misconduct, sexual assaults, made against police officers. We are unclear as to whether this will be material which is particularised and defined as far as sexual activity is concerned, or whether it is more likely to be of a general nature but, to the extent that there is any particular material, we obviously need to do it.

Everybody is aware that some of the allegations which arise in this matter are quite historical. We have had some indications of activities which occurred quite some time ago. We have determined that in the first instance we are going to concentrate on a period of 25 years, so that the material which we will require by way of initial background and which will need to come to us from the police, is for the period from 1 January 1979 through to the present time. If, in the course of the Inquiry, it becomes apparent that we need to know of processes and protocols which existed prior to that time, then we will advise and seek additional evidence accordingly. But the first thing then that we want to get are the general instructions, the protocols, the procedures, the requirements and regulations or elsewhere as to how the police and how individual police officers were expected and required to react and respond when there was an allegation of sexual assault by a police officer. That material, we understand, may be relatively voluminous. I should say, in everything in this Inquiry the first and the paramount and the most enforced rule of evidence will be that the Commission does not want any material which is not relevant to an issue it has to determine. Having spent a lot of years sitting on the bench and receiving particularly documentary evidence in enormous volumes, no doubt to the great advantage of the producer of East-light files, and then find that on a good day you may be required to look at 10% of it, is not something that we are about to get involved in here.

If material comes in, either in documentary form or by way of oral evidence, it will need to be of direct relevance and assistance to some issue in respect of which we are required to make a determination. But even with that word of caution, I suspect that it will take a little time to arrange and so we intend to have the week of the 24th of May available to receive that material. I suspect it will not take us the whole of the week but the whole of the week will be available and, subject to issues about representation, it may be that someone has an interest in it, although that is a little difficult to see at that stage.

Now, having got that background material onto the record and available to us, we will then turn our attention to specific items and specific incidents and specific complaints and the way in which they have been dealt. We will indicate during the course of this morning's hearing the dates upon which the Commission will be ready and available to begin and continue dealing with those matters, but we are conscious that there may be some impediments which will require attention and which could interfere with the basis on which we want to proceed,

particularly if we are to meet the deadline which has been given to us of the 1st of November because that effectively means that we would have to have committed our report into a final form by the middle of September to allow for printing and publication and being ready for a final deadline.

Now, we are not sure whether that is going to be achievable for two reasons which we are aware of and which we will look at this morning, at least in a preliminary way.

The first issue which may require some consideration by us, or maybe by others, is the provision in s 32 of the Police Complaints Authority Act of 1988, which provides for the maintenance of secrecy in respect of certain of the material which has been in the hands of the Police Complaints Authority, and we will look at that but we realise that there may be some issues which arise in that regard.

The second issue which arises is the fact that it has been publicly stated that there are at least some present and former members of the New Zealand Police who are again subject to inquiry with regard to the issue of whether they can or should be prosecuted, and we are mindful of the potential for conflict between the police activities, the rights of people who are subject to such police activities, and the task which has been provided to this Commission.

And clearly, there is an ongoing issue which will require careful and sensible attention to ensure that nobody's rights are infringed and that all proper processes are maintained in this place and elsewhere.

So, although there will be available today a list of, oh, I think, 10 or a dozen weeks in which we will be ready, willing and able to proceed to hear evidence, we are conscious that there may be issues which arise with regard to the ability of those, even wishing to co-operate and with the best will in the world, being able, in fact, to deal with matters in that timeframe and we, of course, will then have to decide what powers we ought properly to exercise to ensure that proper balances are maintained.

Now, I have indicated that Ms Scholtens and Mr Raftery are acting as counsel for the Commission itself. Are there other counsel who are going to be seeking, first of all, party status before this Inquiry?

MS McDONALD: Yes, if the Commission pleases, Sir, I appear with Mr Bolt as counsel for the police, the New Zealand Police.

HON JUSTICE ROBERTSON: Yes, thank you, Ms McDonald.

MR UPTON: And, if the Commission pleases, I appear for the Police Complaints Authority and I will also be seeking party status, and I'd like to make some submissions brief on that point at the appropriate time.

HON JUSTICE ROBERTSON: Yes, thank you, Mr Upton.

MS HUGHES: May it please the Commission, I appear for the Police Association and similarly seek party status.

HON JUSTICE ROBERTSON: Yes, thank you, Ms Hughes. Is there anyone else present who is of the view that they have such an interest in the totality of the Commission of

Inquiry's remit that they would wish to be accorded party status, rather than status as an interested person with regard to some particular incident or complaint?

LORD BOLTON: Sir, Lord Bolton. After getting all the information given to us by this hearing, we believe it is a public hearing, that's why we've come all the way from Hamilton and it appears we have wasted our time because this hearing is not going far. So, to let you know why I'm here, we have genuine complaints against the police, it needs to go further than this, it needs to go to the Courts, it needs to go to the (inaudible) because the police are only doing their job (inaudible).

If the Courts aren't doing their jobs to support the police, then how can they be expected to do their job? And it's not only that, I'll guarantee that at the end of the day, you're going to ask the guys at the bottom. The bosses are the ones that need to be dealt here with because the staff at the bottom are only as good as the guys at the top.

Now, I am ashamed and disgusted with what I have heard this morning because this is a hell of a lot lighter than what's been spoken of. Now, you may be limited in how far you can go, I'm not.

HON JUSTICE ROBERTSON: Well, thank you but -

LORD BOLTON: This inquiry needs to go a lot further.

HON JUSTICE ROBERTSON: I hear what you're saying. Quite clearly, we are limited by the terms of the Order in Council. If others are persuaded that there is a need for something further or additional, then that is a matter for them to take the appropriate steps.

Well, at this stage then, the Commission formally recognises the New Zealand Police, the Police Complaints Authority and the Police Association as parties who will be accorded full status before it in respect of the remainder of our proceedings.

Ms McDonald, is there anything that you particularly wish to draw to our attention at this juncture?

MS McDONALD: Yes, Sir, there are one or two matters. As I have already indicated, the police do seek particularisation and clarification of some aspects of the Terms of Reference, and to that end I have a letter, Sir, which I would like to present to the Commission which sets out, with reference to the particular Terms of Reference, the matters that we seek clarification about.

HON JUSTICE ROBERTSON: Right.

MS McDONALD: You have addressed one of the matters this morning -

HON JUSTICE ROBERTSON: The time one?

MS McDONALD: But there are other aspects in terms of (inaudible). The police need that clarification, initially anyway, so that it can determine the scope of the disclosure of files (inaudible) to the Commission.

There are one or two other matters, one relates to a matter you have earlier indicated, and that's the secrecy provision, that provides potential problems in terms of the need to disclose

files which on the face of it are covered by the secrecy provision (inaudible). And the other matter is the criminal inquiry which is being undertaken at this time which looks as if they will take some months to complete, and the officers that are subject to those criminal inquiries (inaudible) in those matters but the police will be in some difficulty disclosing all of the files that may be the subject of inquiries (inaudible) experience with those inquiries (inaudible) those inquiries and that too is a matter which I could address more fully if the need arise.

At this stage, Sir, we really need to, I think, ascertain the scope of the Inquiry to see which files fall within that category.

HON JUSTICE ROBERTSON: Yes, all right, thank you. Mr Upton?

MR UPTON: Thank you, Sir. There are two issues that I wanted to mention, Sir.

The first relates to the secrecy provisions in the Police Complaints Authority Act, and you're obviously not going to redefine the decision on what that encompasses today. What is clear is that, although the Authority wishes to co-operate as much as it can, there are likely to be some legal difficulties relating to the provisions of the PCA and the Statute, and what I visualised, Sir, was that the matter could be dealt with by way of submissions. I've actually worked through a lot of the issues, and I can certainly see there do seem to be some difficulties, even with the best will in the world. So, that's the first point.

And the second point, Sir, is that if one looks at the Terms of Reference, it's clear that the primary focus of the investigation from the PCA's point of view is the conduct of the police on behalf of the PCA, and I just emphasise that point, Your Honour, and the same formula appears throughout the Terms of Reference, but falls consistently about misconduct on behalf of the PCA.

So, it's more the focus on the Police rather than on the PCA itself, and you'll come back and look at that again a little later on.

HON JUSTICE ROBERTSON: Yes.

MR UPTON: But those are the two issues that I just wanted to identify for the moment.

HON JUSTICE ROBERTSON: Yes, all right. Thanks Mr Upton.

Ms Hughes, any particular matters you want to raise at this stage?

MS HUGHES: No, Sir. The matters that I had wished to raise have been raised by Ms McDonald and I support the delineation terms that she seeks.

HON JUSTICE ROBERTSON: Yes. Ms Scholtens, can I have a copy of that just to see if it's got any surprises in it that I wasn't expecting? (Document shown to Commissioners).

Thank you. You wouldn't think it pejorative if I said "predictable", Ms Donald, but, though they are clearly matters that we need to look at, and I suspect sooner rather than later, both - well, that's not actually going to impinge on the first evidence that we want from you.

MS McDONALD: No, I don't think there is any problem at all with the -

HON JUSTICE ROBERTSON: The evidence for the May week?

MS McDONALD: But the protocol will, in fact, we could start to define that in fairly short order.

HON JUSTICE ROBERTSON: Yes.

MS McDONALD: The issues that impact on the other files are both the secrecy provision and the delineation, if you like, or the Terms of Reference, call it whatever you like, but we can certainly give the manuals and the GIs and the like pretty quickly.

HON JUSTICE ROBERTSON: Yes. The PCA meaning of its Act is an issue which has exercised us a little to date.

MS McDONALD: Sir, sorry, it may be helpful, I have made some inquiry about the files that seem to the police not to be affected by the difficulty with the secrecy provision, and there are files that pre-date the Act, pre-1988, where that's not a problem. So, there certainly will be some material that can come in that doesn't give cause for concern, but I have to say that the vast bulk of it on our preliminary inquiries do look like they are covered by those secrecy provisions.

HON JUSTICE ROBERTSON: Yes. Counsel, I assume, have considered whether this is the appropriate forum for them to be arguing this issue. I mean, I suppose one position which could be taken would be that the Commission will receive whatever evidence is available to it and if there are parties who would wish to give other evidence but feel constrained, that they have alternative remedies in other places to get rid of the constraint. I am just not sure as to what is the most efficient and expeditious way of dealing with matters. Have you turned your attention to that at all, Mr Upton?

MR UPTON: I certainly have, Sir, but again only in a preliminary sort of way.

HON JUSTICE ROBERTSON: Yes.

MR UPTON: Could I suggest that perhaps by next week - what I suggest is that by next week I should have completed my assessment of the situation relating to the secrecy provisions and then I will just need to take instructions from the PCA and then hopefully we can move on next week, or the week after, to make some decisions on what needs to be done on these secrecy issues.

But, as I say, my preliminary view is rather bleak at the moment, even with the best will in the world, as I say. The Authority does want to help, we do have this legislative blanket that seems to be -

HON JUSTICE ROBERTSON: And a Court of Appeal interpretation of the blanket which would seem to suggest that the blanket is pretty resilient.

MR UPTON: Yes, it is. I am sorry to be negative so early in the proceedings but it is a reality we need to recognise.

HON JUSTICE ROBERTSON: Yes. (Discussion held between Commissioners). I am anxious - we are both anxious to make some progress in getting any of these definitions dealt with, and determine whether it is going to be ourselves or anyone else who's going to deal with some of these problems. The suggestion is that we - obviously counsel will be in

contact between themselves and liaising, but that we schedule a hearing for the 7th of April, unless that is totally inconvenient to everybody.

MS McDONALD: I have another fixture in Invercargill.

HON JUSTICE ROBERTSON: For how many days, Ms McDonald?

MS McDONALD: I am down there from next week for about 10 days. The first date that I would be available would be on Monday the 12th of April -

MR UPTON: Monday is Easter.

MS McDONALD: Well, Tuesday the 13th perhaps might be better.

(Discussion held between Commissioners).

HON JUSTICE ROBERTSON: Our real problem, Ms McDonald, is that if we don't do it prior to Easter, it is likely to be some substantial time before the Commission is available further, and what we're trying to do is to get these definitions done so that - we had worked on the basis that we should try and set the stage and then leave people alone to do the preparatory work.

MS McDONALD: And you would contemplate, Sir, that this matter couldn't be dealt with by way of submissions or liaison between counsel? I am just not entirely clear as to the purpose of the formal hearing on that date.

HON JUSTICE ROBERTSON: To get the assistance of counsel, Ms McDonald. I mean, certainly we would anticipate that we would be receiving submissions in advance.

MS McDONALD: Yes.

HON JUSTICE ROBERTSON: Whether you would consider that Mr Bolt could come and hold the fort if we were having a hearing on that day, I don't imagine that the position between those of you on my right is likely to be particularly divided on this aspect, is it?

MS McDONALD: No, I would imagine that all counsel would be pretty much in agreement as to what the effect of the provisions are.

HON JUSTICE ROBERTSON: I would be as interested as to how you suggest we deal with the provisions rather than what they are.

MS McDONALD: Well, I certainly have no difficulty with Mr Bolt dealing with it, it's just that I have received something from the Commissioner in terms of what it would intend in relation to formal hearings before the Commission, would there be any possibility, Sir, of sitting on the 8th of April and I could contemplate that being the last day of my hearing in Invercargill, would that be a possibility?

HON JUSTICE ROBERTSON: Ask and it will be given to you. Don't hold me to that, it might be the one and only time it applies. No, we would sit on the 8th if that would be more convenient for people.

MS McDONALD: And I would certainly (inaudible).

HON JUSTICE ROBERTSON: All right. Can we just ask that if there are any other definitional or housekeeping matters which counsel for the parties want dealt with, we will try and deal with them there. I wasn't considering that in this environment I needed to be making formal timetabling orders but if you could be exchanging among yourselves at least a week beforehand the position that you are likely to take, make that material available to us. I would see the hearing being more for clarifying issues rather than anything else.

All right. So, we'll say 10.00 a.m. on the 8th in respect of that matter, that is the letters contained in Ms McDonald's letter of the 22nd of March to the Commission, together with any other definitional issues which may arise.

MR UPTON: With the same venue?

HON JUSTICE ROBERTSON: I would have thought that that is not a matter which would attract so many people that we would need any venue other than the meeting room at our new premises on The Quay. There is a space there which will contain a reasonable number of people, including our friends from the media, in a designed purpose built annex for them, so I think we will try it there and we'll see what the space and numbers are like. If it doesn't work, we will obviously go elsewhere but, yeah, 10.00 a.m. on the 8th of April in the Commission's premises on The Quay.

And you will have given your friends and ourselves some information on your interpretation of s 32 ahead of that time, Mr Upton?

MR UPTON: Yes. What I was proposing to do, Sir, as I think I mentioned earlier, was complete all our work by next week and then take instructions from the PCA and then circulate an issue paper.

HON JUSTICE ROBERTSON: Right.

MR UPTON: So that people can see what the Authority's view is on this somewhat difficult statutory issue.

HON JUSTICE ROBERTSON: Yes. Mr Pyke, I recognise your presence here, and I imagine it's with a watching brief as much as anything. It may be that the Solicitor would consider it appropriate to participate in that, and we certainly would grant rights of audience to him or his representative if that would facilitate in getting our way around this issue.

MR PYKE: Yes, I will take instructions on that and liaise, if the Commission sees fit, with counsel assisting.

HON JUSTICE ROBERTSON: Yes, if you'd do that, thank you Mr Pyke.

None of that appears to me in any way to create any impediment on our moving forward on the issue of speaking to people who could fall within our Terms of Reference.

Now, I realise that until we sort out some of these other matters, the issue of getting any response may require some additional attention, but on the basis that the collecting of the stories and the information will be, in the first instance, only for our counsel and not for

Dame Margaret and myself, I can see no reason, unless anyone wishes to be heard on that.

Ms Hughes, on the basis that it is for counsel, do you see any impediment from the point of view of your client?

MS HUGHES: No, Sir.

HON JUSTICE ROBERTSON: No. I didn't ask you whether the 8th of April is possible or impossible for you?

MS HUGHES: I am happy to advise it's very possible.

HON JUSTICE ROBERTSON: All right. And I assume that either Ms Scholtens and/or Mr Raftery can be available. So, I think where we get to then at this stage is that we have defined the time period, at least for the meantime. We have available this hearing to deal with these definitional matters at 10.00 a.m. on the 8th of April.

We will have public hearings - and that hearing on the 8th of April will be a public hearing and open to anyone who has an interest. Then the week of the 24th of May, the week will be available for receiving evidence about the operational demands, requirements, responsibilities, the GIs, the protocols, the whatever, that covered the period, and then commencing from the week of the 14th of June, there will be available, for anyone who is interested, as you leave here today a list of the weeks through until mid September when we will hope to sit and hear evidence if we are able to do so.

I should reiterate so that there is no misunderstanding, that our intention is to deal with the individual complaints which members of the public have in total segments. In other words, we will hear evidence from the person who says they complained and were dissatisfied with the way the complaint was dealt with, and we will hear at the same time any evidence which any other party wishes to give with regard to that incident, and we will at that stage deal with people, particularly those who could be adversely affected as a result of the Commission's activities by permitting representation of or by them for the purposes of the specific incident.

The final thing, unless there are any other questions which anyone has to which I should make reference, is the fact that we have had some inquiries as to the funding of people who would appear or might appear before the Commission.

The Commission has no funds to provide for legal representation for anybody. The view we take is that the evidence which it is necessary for us to hear will be called by counsel assisting the Commission, and if a person who is going to be required to give evidence wishes to have their own legal representation, then that will be a matter for them and we will certainly not create any impediment but will not be financing anyone in that situation. We will, if it is necessary, hear anybody who argues, or wishes to argue, that because of their possibility of being at risk of adverse comment requires them to have their own assistance and they are unable to afford it, then we will hear any argument, but the most that we could do would be to make noises to the appropriate financing authorities if we were satisfied there was a particular need.

We do not see that as a general position with regard to people who are complaining, or to those against whom complaint is being made, but the door will be open, although it could only be on the basis of pleading on our behalf, we simply do not have funds which have been allocated to us to deal with the matter in any other way.

Ms Scholtens, are there other matters which the Commission ought to be turning its attention to this morning?

MS SCHOLTENS: No, Sir.

HON JUSTICE ROBERTSON: Ms McDonald, are there any other issues you wish us to look at prior to the 8th of April?

MS McDONALD: No, thank you.

HON JUSTICE ROBERTSON: Mr Upton?

MR UPTON: No thank you, Sir.

HON JUSTICE ROBERTSON: Ms Hughes?

MS HUGHES: No thank you.

HON JUSTICE ROBERTSON: Yes, all right. Anyone else who is present and has any issue which they are unsure about or want a response to? No. I just repeat again - yes?

MS O'SULLIVAN: I am Helen Sullivan and I am the Manager of Wellington Sexual Abuse (inaudible). I only found about this meeting this morning from the news media and at our agency we deal with victims of sexual assault, we have had no information coming to us other than what we've gleaned from the newspapers about the Commission of Inquiry and I think that's a real oversight because we're potentially able to help people through that process. And I just wanted to - query the part you said about a person having representation with them through that process, so would that mean legal representation or also support people from agencies such as ours who work on a daily basis with people affected by sexual assault and rape?

HON JUSTICE ROBERTSON: Ms Sullivan, I can't give probably the sort of definitive answer you deserve. Can I invite you to talk to Ms Scholtens and Mr Raftery about it.

MS O'SULLIVAN: Okay.

HON JUSTICE ROBERTSON: The conduct between women and men in New Zealand and the Commission will be through our counsel and through the people who we employ to help people tell their stories. We are conscious of the need that some people will have for assistance and support of one sort or another and I am sure that those needs can be accommodated.

The only thing that I perhaps should say so that there is no misunderstanding, it is no part of the function of this Commission to determine whether there have been criminal acts committed by anybody, and so at no stage of the Commission will we, in fact, be entering into those difficult and sensitive areas which organisations such as your's spend your time doing to the benefit of all of us in the community.

Our task, and I repeat it so that we are all clear, is was there a complaint made, was it appropriately responded to in the way that the police acted at the time that they did? It is not a case of whether, in fact, there was criminal conduct which was committed by anybody.

MS O'SULLIVAN: I - yeah.

HON JUSTICE ROBERTSON: But if you could talk with Ms Scholtens about the sort of support or assistance that people may need even to deal within the confines of our Terms of Reference, and certainly let me say that a number of people are anxious that we have moved with some speed.

The reason that we have done that is that to get to today it seemed to us that we needed to move quickly so that the preparatory work could be done so that people could respond to our real task, and I want on behalf of Dame Margaret to acknowledge the assistance which we have all received from the media in general in drawing to people's attention the fact that we were meeting today and ensuring that, to the greatest extent possible, people knew.

One or two people have given us a bad time about the fact that we wanted people to tell us if they had a problem within 10 days. I want to repeat again, anyone who comes within our Terms of Reference and who makes that known within a reasonable period of time will be dealt with but what we were on about, what we were required to do, was no surprise to anybody, you couldn't have lived in New Zealand for the last six weeks without knowing what was going on, and it seemed to us that what we had to do was to get on and start the process, and we will now continue to try and ensure that everybody who has a story to tell, and everyone who has information which could assist us, are contacted in a timely way.

Are there any other matters which anyone wishes to raise? (No matters raised). Yes, well, I thank you all for your interest and for your presence today and the Commission will adjourn to resume its next public hearing at 10.00 a.m. on the 8th of April.

Hearing adjourned