



## Home Affairs Committee

### Oral evidence: [Statutory Inquiry into Child Sexual Abuse](#), HC 710

Wednesday 11 February 2015

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Members present: Keith Vaz (Chair); Ian Austin, Nicola Blackwood, Mr James Clappison, Michael Ellis, Lorraine Fullbrook, Dr Julian Huppert, Tim Loughton, Yasmin Qureshi, Mr David Winnick.

Questions 368 – 456

*Witness: The Honourable Justice Lowell Goddard*, Chair-designate of the Statutory Inquiry into Child Sexual Abuse, gave evidence.

**Q368 Chair:** This is the Committee's pre-appointment hearing into the appointment of the Chair of the Child Abuse Inquiry. I welcome Justice Lowell Goddard as our witness today. Could I refer all those present to the Register of Members' Interests where the interests of members of this Committee are registered? In addition, I declare the fact that before I was a Member of Parliament I worked in local government dealing with child care matters.

**Michael Ellis:** I would like to declare on the record that before being a Member of Parliament I was a barrister in criminal practice and dealt with a range of cases including sexual offences.

**Mr Winnick:** In the mid-1960s I was chair of a local authority children's committee before the reorganisation into social services.

**Yasmin Qureshi:** Before being elected as a Member of Parliament I was a criminal practitioner, a barrister dealing with historical child sexual abuse cases and also representing parents of children who were taken away by local authorities.

**Mr Clappison:** I will declare the same interests as a member of the Bar but it was some years ago before I became a Member of Parliament.

**Q369 Chair:** Thank you very much for coming before this hearing. When we last spoke and I told you that we would like you to come in today you were halfway across the world. Can I begin by asking you this: are you familiar with what has happened in respect of the previous chairs of this inquiry?

**Justice Goddard:** Yes, I have read about that.

**Q370 Chair:** A search was undertaken by the Home Office and the Foreign Office, it seems to the ends of the earth, although you might regard yourself in New Zealand as the centre of the earth and Europe as being at the ends of the earth. You have been found and the Home Secretary has interviewed you and she has placed your name before this Committee. Why have you undertaken this challenge?

*Justice Goddard:* I have been asked that a number of times and most recently last evening. I have reflected about that a lot, of course, in reaching the decision that I would undertake the inquiry if asked. I believe my whole career path to date and my experience has brought me to this point and I felt that I should make the commitment to undertake the inquiry for that reason.

**Q371 Chair:** Of course we have seen your biographical details. We note your very distinguished career at the New Zealand Bar and your appointment as one of the first women judges in New Zealand, so we are well aware of your history. In respect to the practicalities, will you now relocate to the United Kingdom in order to conduct this very important and very serious inquiry?

*Justice Goddard:* Yes, that is necessary.

**Q372 Chair:** So you will come and live here?

*Justice Goddard:* Yes.

**Q373 Chair:** We know that your husband is also a very distinguished lawyer. Will he and your family come with you or will they remain in New Zealand?

*Justice Goddard:* My husband will come with me for as much of the year as he can each year that the inquiry takes. I am afraid the family will not relocate. They all have their own lives. The children are all well grown up and have children of their own and I will see them in the holidays.

**Q374 Chair:** What is the salary that you will be paid for this post, which could go on for a number of years?

*Justice Goddard:* My terms and conditions of appointment have not yet been finally settled but I imagine that they will be a matter of public record when they are. So, perhaps somewhat unusually, I agreed to make the commitment before I had settled terms and conditions of appointment.

**Q375 Chair:** Maybe that does show your commitment, that you don't know what the salary is but you said yes.

*Justice Goddard:* I understand that it will be comparable to what had been envisaged for previous chairs of the inquiry. That is my understanding.

**Q376 Chair:** I assume that you will be obtaining a visa for the purposes of doing this work, because you don't have a visa now.

**Justice Goddard:** I understand that will be necessary.

**Chair:** At the moment you are here on a visitor's visa but you will be obtaining a work permit visa?

**Justice Goddard:** Yes.

**Q377 Chair:** Presumably, as you are the nominee of the Home Secretary, that will take place very quickly.

**Mr Winnick:** Not likely to be refused.

**Chair:** If only that was the case for all our constituents when they came here, but presumably all that will be in order; correct?

**Justice Goddard:** I understand so.

**Q378 Chair:** We are awaiting a letter from the Home Secretary to find out how many people she spoke to. We know that 150 people applied for the post or were looked at in respect of this post. Did you seek this post or did they seek you out and find you and say to you, "Justice Goddard, we would like you to consider this post"?

**Justice Goddard:** The latter.

**Chair:** So they came to you?

**Justice Goddard:** Yes.

**Chair:** You didn't apply for this?

**Justice Goddard:** No.

**Q379 Chair:** Were you surprised when they did so?

**Justice Goddard:** Well, yes, I was. The inquiry came through the British High Commission in Wellington, New Zealand, that my name had been referred to them as someone who could be considered and would I be prepared to consider being considered. I had a look at what was available on the internet about the inquiry and its progress—I really didn't know a great deal about it—and to understand what it was about and said I would be interested in considering it.

**Q380 Chair:** It is for this Committee to raise a number of issues, and colleagues will raise issues with you, but one that is already in the public domain concerns a former judge, Michael Lance. You were involved to some extent, and you can tell us to what extent, with Michael Lance. I have to tell you that we have no original information on this. This comes in a blog and, as you know, the internet is a free highway for people to say what they wish, but it is incumbent on this Committee to put it to you.

It was raised in the House by a colleague and the Home Secretary responded by saying there was no substance to it, but since you are before us I want to put to you the issue of former judge Michael Lance and the allegation that was made by this blog called Kiwis First that in some way you were responsible for blocking the publication of a report in respect of Michael Lance. Secondly, after this had happened, you appointed him as your deputy when you headed the IPCA. We do not have your letter declaring your interests, which I have to say the Committee finds unsatisfactory—normally we would have such a letter before a pre-appointment hearing—and perhaps you would also explain why we don't have that at that moment. If you could deal with the Michael Lance issue first.

**Justice Goddard:** Certainly, and thank you for raising that, Mr Chair. First of all, if I can introduce the topic by describing the blog to an extent. This blog purports to be a review of the history and performance of judges of the superior courts in New Zealand and it has the appearance of a sort of Wikipedia-type publication. However, it is not at all official, I can assure you. The blog is launched out of California. The blogger is a Vincent Siemer who immigrated to New Zealand with his family and lives there now. I have never met Mr Siemer nor has he ever appeared before me. He has served two terms of imprisonment in New Zealand for contempt of court and last year he was adjudicated a vexatious litigant by the High Court on the application of the Attorney General of New Zealand. I can explain what that means, if that is not clear.

**Chair:** Please.

**Justice Goddard:** It means that he is a prolific litigant before the courts in a manner that has come to be regarded as vexatious and a waste of the courts' time and public resources, therefore the Attorney General has applied to have him declared vexatious. That has happened by a judgment of the full court. It means that he is unable to file any proceedings in the court now without the permission of the court. So that is his relationship with the court, if I can just give you that background.

**Chair:** That is extremely helpful. Thank you.

**Justice Goddard:** The allegation on the blog has two parts to it, as I recall it. One is that in 1994 I covered up a complaint that was referred to me by police about the conduct of a case by Judge Lance in the Rotorua district. The second part of it is that subsequently I refused to disclose the file under an Official Information Act request.

Dealing with the first allegation that I covered up a complaint about Judge Lance's conduct of a case in 1994, in fact it was not a complaint as such. It was a request by the district commander of Rotorua police to the Solicitor General, addressed directly to the Solicitor General. The request was if he would consider whether and how the charges could be relaid that Judge Lance had dismissed in this particular case. The request from the Rotorua police was conveyed through Superintendent McCarthy at police national headquarters in his capacity as such to me in my capacity as Deputy Solicitor General and head of the criminal team, and that is the protocol. Those are the proper lines of communication.

The request addressed to the Solicitor General then had to be considered by him. An opinion was prepared by a senior crown counsel within the Crown Law Office, a Mr John Pike. That assisted the Solicitor General, obviously, and he discussed his views with me and Mr Pike. His decision was that he was not prepared to present an ex officio indictment to exercise his fiat to do so. I believe in this country you call them voluntary bills. It is a very rare power to exercise and the Solicitor General's decision was that it was not an appropriate case in which he should do so.

**Q381 Chair:** You are telling this Committee that there is no substance in it?

**Justice Goddard:** Absolutely no substance in it. The letter of response that I then conveyed back to Superintendent McCarthy on behalf of the Solicitor General is very detailed. It sets out all his reasons; it acknowledges shortcomings in Judge Lance's approach. There is absolutely no cover-up.

The second aspect that subsequently there was a refusal to grant an Official Information Act request to disclose the file in fact is the subject of a letter from me as well to the then crown prosecutor in Rotorua who had asked for it on behalf of the police. It concerned Mr Pike's opinion, which of course was legally privileged because it was advice to the Solicitor General and doubly privileged under the cabinet rules because it was the law office's advice.

**Q382 Chair:** That is very helpful. I think you have dealt with that point. Did your appointment of Michael Lance happen after all these allegations were made, after it was all dealt with and there was no substance found?

**Justice Goddard:** Yes, and can I say that at the time of the request by the police to relay the charges, Michael Lance was in no way consulted nor were his views sought. The decision was made on the basis of his decision and the police evidence that they put before the Solicitor General. That was in 1994. Lance was then appointed on a temporary one-year basis by the Minister of Justice, on the recommendation of the Secretary for Justice, as Deputy Police Complaints Authority in the first year that I went there.

**Q383 Chair:** Not by you, by someone else?

**Justice Goddard:** Not at my request, and may I say I never knew Judge Lance personally in practice or in his time on the bench? He was by then retired in 2007.

**Q384 Chair:** That is very helpful. That is the substance of what we wanted to put to you. Thank you for that.

Moving on and opening up to the way in which you are going to conduct this inquiry, I understand that you have now met the survivors. I think you had a meeting with the survivors.

**Justice Goddard:** Yes.

**Q385 Chair:** We had a meeting with some of them this morning. You have also had the opportunity, presumably, of meeting counsel to the inquiry.

**Justice Goddard:** Yes.

**Q386 Chair:** Have you also met the secretariat?

**Justice Goddard:** Yes, and I thought that Angela Kyle may be present today. She is.

**Chair:** But you met her, presumably since you arrived in the UK on Monday.

*Justice Goddard:* Yesterday, and other people who have been employed, yes.

**Q387 Chair:** Have you had the chance of a face-to-face meeting with the Home Secretary?

*Justice Goddard:* Yes.

**Q388 Chair:** You had not met any of these people prior to arriving in the United Kingdom on Monday?

*Justice Goddard:* I had not met any of them face to face, no.

**Q389 Chair:** You have obviously met the Home Secretary in your televised interviews.

*Justice Goddard:* Yes.

**Chair:** But none of the others. You were meeting Mr Emmerson for the first time?

*Justice Goddard:* For the first time yesterday.

**Chair:** And the secretariat for the first time.

*Justice Goddard:* No, the first time Monday afternoon. I arrived here Monday lunchtime and met him that afternoon for the first time briefly. We have met again this morning and he was present at the meeting with the survivors last night.

**Q390 Chair:** Excellent. You can reset this whole inquiry, it seems. When the Home Secretary addressed the House on the 4<sup>th</sup>, she talked about the inquiry being reset. Are you able to change any of the personnel in respect of your chairing of this inquiry or do you feel that you need to carry on with the secretariat, counsel and others? Obviously the panel has been disbanded, we understand that, but is what is left in the landscape of the inquiry the deal that you will inherit or can you make changes as appropriate?

*Justice Goddard:* Having met Mr Emmerson and inspected his credentials, if I can put it that way, I have already signified my hope that he will continue as counsel assisting and he has expressed his willingness to do so, which I am very pleased about. I don't really know any of the others yet at all.

**Q391 Chair:** Do you feel you can change the secretariat if you wish? You have the power to do that?

*Justice Goddard:* Absolutely, yes.

**Q392 Chair:** Finally from me, just on your letter, it is very odd for the Committee to have to consider a nominee from the Home Secretary without seeing a letter setting out his or her interests. That is why I asked you the question about Michael Lance. Why have you not been able to get that letter to the Home Secretary? As you know, in the past the Committee was concerned that Fiona

Woolf's letter went through seven redrafts before it got to the Home Secretary. Will you be writing this letter yourself?

*Justice Goddard:* I have already started it on my iPad.

**Chair:** So you will be doing this yourself without anyone else?

*Justice Goddard:* Absolutely, yes. I have been a judge for 18 years so I don't need any help with that letter, but thank you for asking.

**Q393 Chair:** I wasn't offering. Do you also think that this really ought to have come sooner?

*Justice Goddard:* I realise now that that probably would have been an appropriate course, but I have to plead ignorance. In fact, I brought up the Kiwis First blog in the first instance because it was an obvious thing to do. The first thing that happens if you Google a New Zealand judge is that pops on to the screen, so I referred to it and I provided my explanation in writing to the Home Office by way of e-mail. But I can see that a formal letter is the appropriate course.

**Q394 Chair:** But they didn't ask you for one at the time of the interview?

*Justice Goddard:* I don't recall being asked for a formal letter but I certainly was willing to supply information in writing, which I did do.

**Chair:** Excellent. Thank you very much.

**Q395 Mr Winnick:** You accept, of course, that above all else the survivors, who have been pressing for this inquiry for some time, want complete independence of the chair?

*Justice Goddard:* Absolutely.

**Q396 Mr Winnick:** You will know the reason why the two who were appointed by the Home Secretary decided to resign? You know the history of that?

*Justice Goddard:* It is in the public domain.

**Q397 Mr Winnick:** Yes, of course. Therefore, in your case absolutely nothing of that kind arises?

*Justice Goddard:* That is right.

**Q398 Mr Winnick:** The need for the inquiry is obvious. I have mentioned that the victims—and some instances go back many years—are asking for justice and they have been understandably and rightly urging for an inquiry. Insofar as it is possible—and obviously you can't put a time on it, but there is much concern about how long this inquiry will last—have you any indications in your mind, if that is the way of putting it, of the time scale?

*Justice Goddard:* When I was first approached, that is an obvious question that one asks. I am not sure that anyone really can say until this is properly scoped and that has to be my first task if I am to do this properly. The indication was three years possibly into a fourth. Given the breadth of

the subject matter and the timespan involved, that does not seem inordinate. It is a long time but what will be important, in my view, is to carefully scope the inquiry to see how it should be managed and to inform along the way of the progress of the inquiry and perhaps to set milestones for interim reports. That is just my thinking at the moment.

**Q399 Mr Winnick:** Of course, and I understand perfectly. There is a controversy in this country over a totally different inquiry, it couldn't be more different, the Chilcot inquiry that has been going on for a great deal of time. There is much controversy on both sides of the House of Commons about the delay, which has been four or five years or more. Are you aware of that controversy?

*Justice Goddard:* I have certainly read what is in the public domain about that. It seems to me that the difference between that and the inquiry that I have been asked to embark upon is that the inquiry I have before me is very multi-faceted. It is certainly not a single issue inquiry, so how it is scoped and managed from the outset will really dictate its efficiency in terms of timeframe, but of course it has to be thorough as well in order to be effective.

**Q400 Mr Winnick:** You mentioned the possibility, and hopefully it will be the case, of an interim report. If you do find any obstacles in the way, or obstruction from on high—the phrase used in Britain is “the establishment”, and perhaps it is used in New Zealand—from powerful figures and the rest of it, albeit that is sometimes exaggerated, to carrying out the sort of independent inquiry that is absolutely essential, what would be your reaction? Of course, hopefully, that scenario will not arise.

*Justice Goddard:* It is a statutory inquiry so there are the powers under the statute that, of course, would be utilised. My approach would be to proceed absolutely according to law.

**Q401 Chair:** Mr Winnick mentioned the establishment. Would you regard yourself as being part of the establishment, Justice Goddard?

*Justice Goddard:* We don't have such a thing in my country.

**Mr Winnick:** Lucky New Zealand.

*Justice Goddard:* I did have to ask carefully exactly what is meant by it so that I did understand what I was being asked to disclose. My understanding is: do I have any links into any institution or any person relevant to the subject matter of the inquiry? No, I don't.

**Q402 Michael Ellis:** Justice Goddard, there is a huge weight of material here. How do you see it actually working? How do you envisage your inquiry working in practice with such a vast weight of material? There is also a very understandable absence of trust on the part of survivors and many others in connection with these issues in this country. How do you propose to get to the truth? Can I ask you about that first?

*Justice Goddard:* Yes. Dealing with the first part of your question, I go back to what I said in answer to an earlier question that the careful scoping of this inquiry at the outset is critical. That will identify the routes that need to be taken and how the inquiry should go about its business, what resources it needs in order to obtain the necessary information in each strand of the inquiry. The work of the inquiry will necessarily be informed by the survivors and the inquiry will

welcome their advice. They obviously are at the forefront and the centre of this inquiry, so they will be a valuable resource. In terms of getting to the truth, I repeat again that the inquiry will be conducted according to due process of law, utilising the powers within the statute.

**Q403 Michael Ellis:** You have been a judge for 18 years in New Zealand, I think you said.

*Justice Goddard:* Yes.

**Michael Ellis:** Have you ever had an occasion during your time at the Bar or on the Bench in New Zealand where someone has said to you in a social setting perhaps, at a drinks party, at dinner, in some place of entertainment, that they would prefer it if you approached a case in a different manner or you got the impression they were seeking to influence you politely, perhaps someone who is your acquaintance? If you were to receive such an approach, how would you deal with that? Could I ask you to elaborate? I am not talking about an approach via the post or an e-mail; I am talking about a personal approach.

*Justice Goddard:* Yes, I understand.

**Michael Ellis:** You are going to be here for three or four years at least, it seems, and you may well start, I am suggesting, to mix in certain circles. For those who are sceptical, could you please elucidate as to how you would deal with such an issue and how it is that we and survivors can trust you to deal with it appropriately?

*Justice Goddard:* I don't see it as any different to the everyday experience of judging. You don't discuss your cases in social settings. As a barrister, you don't discuss your cases with other people in social settings because of client confidentiality. If somebody attempted to open a conversation with me about the confidential work of the inquiry in a social setting, I would simply close that discussion down.

**Q404 Michael Ellis:** Do you consider the remit of this inquiry to be investigative only or do you think of it as a sort of truth and reconciliation style of inquiry, almost to give closure, if I can put it that way, or try to give closure? I am conscious of the fact that many of the alleged abusers will have died in the intervening period of time that has elapsed and much evidence may have also been lost in the intervening time. It may not be possible in certain cases to reach the ends of justice as one would desire. Do you see this as an investigation where the trail has gone cold, the evidence has been lost, that is the end of the matter, or do you see it as something more?

*Justice Goddard:* As I said, I see it as multi-faceted anyway because of the different strands, but also in a general way I see both of the aspects that you have referred to. Yes, there will be an investigative side to this but I see also scope and necessity for a truth and reconciliation type process. The investigative part of it will undoubtedly result in formal hearings and taking of evidence when the evidence is found or becomes available, when lines of inquiry have reached a conclusion and have evidence to bring forward. But there will also be another side to it whereby survivors may wish to be heard in a way that they feel they have not been heard until now and would wish to do so. What they have to say they may want to say in complete confidence, it may be sensitive for them, in which case that would be their call.

**Q405 Michael Ellis:** But you will give them the means by which to do that?

*Justice Goddard:* Yes. I think it is very important to provide that as part of this inquiry.

**Q406 Michael Ellis:** Thank you. Are there any other cases in your long tenure as a judge in New Zealand that you would want to bring to this Committee's attention, perhaps particularly concerning child abuse or any related issues, that you think could give rise to concern if someone at a later date was going through all of your no doubt very large number of cases? Are there any that you are conscious of in your mind that might give cause for concern that you would like to tell the Committee about?

*Justice Goddard:* No, there are not; quite the contrary. I don't want to take up the Committee's time now talking about cases that I have taken against the power to suppress, increased sentences for child abusers, the longest sentence imposed at the time for the murder of two little girls by a stepfather who had been abusing them and—

**Q407 Michael Ellis:** Did you pass that sentence?

*Justice Goddard:* I did, yes. More recently, I issued a strong statement about downloading images showing sexual abuse of children from the internet. So, I don't see that there would be a concern at all. Two matters have come up that I have been asked for comment on, one of which was just a report on a interlocutory judgment that I gave that talked about a paedophile winning a suppression case. The matter before me was not about a suppression order or otherwise. That happens by operation of law in New Zealand.

**Q408 Michael Ellis:** Can we just clarify, when you say "suppression" do you mean suppression of the name?

*Justice Goddard:* Yes. It happens by operation of law in New Zealand if the publication of the name of the offender will lead to the identification of the victims, so it is to protect third-party victims.

**Q409 Michael Ellis:** Forgive me, for those who are not initiated with the law, did you order the suppression of the name?

*Justice Goddard:* No, that was not the issue that I dealt with. The issue that I dealt with was simply a jurisdictional issue on a strikeout application as to whether the director of privacy proceedings had jurisdiction to bring a privacy action.

**Q410 Dr Huppert:** Welcome, Justice Goddard. Are you familiar with abuse that happened at Kincora Boys' Home?

*Justice Goddard:* No.

**Q411 Dr Huppert:** I understand people have written to you. This was one of a number of children's homes in Northern Ireland where there were prosecutions.

*Justice Goddard:* Yes, I have heard of it but I am not familiar.

**Q412 Dr Huppert:** As you are probably aware, the scope of the inquiry at the moment excludes Northern Ireland.

**Justice Goddard:** Yes.

**Dr Huppert:** You may not be aware that the Northern Ireland Assembly voted unanimously to say that it should be part of this overall inquiry.

**Justice Goddard:** I was not aware of that, no.

**Dr Huppert:** I can understand why you would not be. I am sure you will be and I believe Amnesty have already been in touch with you about this. How do you think you would work with the existing inquiry in Northern Ireland—the Home Secretary has said there would be some sort of protocol to govern it—or do you think it would be more sensible to have one inquiry covering the whole area?

**Justice Goddard:** I have to say that I have not turned my mind to those sort of issues. This is the sort of assistance I would be expecting from Mr Emmerson because, as I understand it, the inquiry as it is currently envisaged is a Westminster responsibility that excludes Scotland and Northern Ireland, but if there is relevant overlap then I anticipate that probably there will be avenues by which to revisit that. As I say, I would not want to give an answer that is based at the moment in ignorance of the constitutional arrangements here or of the inquiries that are underway.

**Q413 Dr Huppert:** I think the issue is not constitutional jurisdiction, given the Northern Ireland Assembly has asked for this. Although they named Fiona Woolf at the time, I don't think they were speaking particularly of that; it is a question of the Home Secretary so far not allowing it. If you did feel that it was important—and I accept you have not made that decision yet—would you feel comfortable in saying to whoever the Home Secretary may be at that time that you feel that you need your remit to be expanded to cover Northern Ireland or Scotland?

**Justice Goddard:** I would certainly raise it.

**Q414 Dr Huppert:** You would be happy to? That is very helpful. Can I turn on to the time period? You talked about three or four years as an estimate. I know that you have not fully scoped it out. That strikes me as rather a short time period, if I am entirely honest. What would you do if it turned out to take a lot longer? Would your commitment to the role be sufficient that you would continue here indefinitely if needed?

**Justice Goddard:** It is difficult to answer that sitting here right now. One never knows what the future brings, but all I can say is that I have committed to undertake this inquiry so I would want to see it through.

**Q415 Dr Huppert:** That is very helpful. You were talking about the lack of an establishment in New Zealand, that it does have a different approach. How often have you been in London? Have you worked in London at any stage?

*Justice Goddard:* I have never worked in London, but we come here every so often on a holiday so it is not unfamiliar.

**Q416 Dr Huppert:** But only as a visitor?

*Justice Goddard:* Yes.

**Q417 Chair:** In respect of the time scale, I think in answer to Dr Huppert you said four years. Is that what your commitment is to the Home Secretary? You paused a bit when he wanted you to commit the rest of your life to living in the inquiry.

*Justice Goddard:* No timeframe has been put on it, Mr Chair.

**Q418 Chair:** That does sound a bit indefinite to me, but you are committed to staying for four years?

*Justice Goddard:* As I said, the indication I had at the outset was three into a fourth year, but until it is scoped it is difficult to say. Given the breadth and the timespan, that does not seem a far-fetched estimate to me but I would be reluctant to specify a timeframe without very carefully assessing it.

**Q419 Chair:** Of course, absolutely. Leveson, which is the inquiry we all say is a model of these types of inquiries, was in two parts. Lord Justice Leveson got through the first part and we still have not got to the second part. It is possible to balkanise this if necessary, is it, or you don't know until you have scoped it?

*Justice Goddard:* No.

**Chair:** Understood.

*Justice Goddard:* Thank you.

**Q420 Lorraine Fullbrook:** Justice Goddard, as was mentioned earlier, the Home Secretary has already announced that this inquiry will be set on a statutory footing and a new panel will be selected. First, are you content with these arrangements? Secondly, how would you go about selecting your panel and how long would you expect that to take? When would you expect the panel to be selected, up and running and ready to go?

*Justice Goddard:* I think it is critical that a new panel is in place at the earliest. I have not brought my copy of the Act with me, which I have just read recently, but there are criteria in there and it is relevant expertise and experience. It is what one would expect. Within the inquiry as it presently stands, as I say, there are a number of strands and one would have thought that panel members should have expertise variously in those areas because I would expect them to take a lead role in investigating and inquiring into those areas.

**Q421 Lorraine Fullbrook:** Thank you. Just on that and following on from my colleague Michael Ellis and talking about the investigation part of the inquiry, care and redress were seen as very important aspects of the whole inquiry by the survivors' representatives. Would you agree with that?

*Justice Goddard:* I am sure it is. I am sure it is seen by them as a very important part.

**Q422 Lorraine Fullbrook:** Do you accept that as part of the inquiry?

*Justice Goddard:* The inquiry has to produce results for the survivors in the form of recommendations.

**Q423 Tim Loughton:** I am sure you are becoming increasingly aware of what a big challenge you have picked up—some might call it a poisoned chalice—and because of the false starts that it has had, not least with two chairs who have had to stand down, there has been a great deal of cynicism and loss of confidence among the public and among survivors in particular. How do you propose going about not only setting up the details of the inquiry but you also have a job of work to do in restoring some confidence in the inquiry? What do you think you are going to be doing in order to put it on an even keel again?

*Justice Goddard:* I think just get on with the job and results speak for themselves, don't they?

**Q424 Tim Loughton:** I hope so, but what would your answer be if somebody asked you the question: what is the point of this inquiry?

*Justice Goddard:* The subject matter of the inquiry is very important to not only a great number of people but I think to probably the British society.

**Q425 Tim Loughton:** But what is the point of it? What are you trying to achieve by the inquiry that you will shape and now chair?

*Justice Goddard:* What the inquiry should be aiming to achieve is to revisit past wrongs, to clarify what happened during those past periods, to look at what is currently happening and to ensure, as best as is possible, that there is not only redress but, most importantly, that children now and for the future are protected from sexual abuse. It is an abhorrent crime to visit on little, defenceless children. So the point of the inquiry for me is very much aimed at the protection of vulnerable children.

**Q426 Tim Loughton:** There are going to be changes to the panel, and I think you mentioned just now about panel members having various expertise. One of the strengths, some of us would contend, with the way the panel was set up—there are obviously question marks about the lack of transparency about the way the appointments were made—was there were strong panel members who had particular expertise in certain areas of the health service, the law, children's charities or whatever it may be. The suggestion we have heard from survivors is that the panel may be slimmed down, in which case you are inevitably going to lose the broad range of experience if you are bringing in people based on what they bring with them from their previous careers and experiences.

How are you going to square that? Do you think the panel should be slimmed down, be about the same size or be bigger? Should it have representatives from certain areas or are you just looking for particular individuals who you think can do a job here?

**Justice Goddard:** I think the starting point is relevant expertise and experience in the various fields that are the subject matter of the inquiry. As to numbers, I don't think one can be hard and fast about that without scoping it and seeing where the needs lie, but I think the previous panel was eight members. My instinct is that one does not need a panel of that size to do the job but, as I keep coming back and saying, until I can scope this very carefully it would be premature to pin down numbers.

**Q427 Tim Loughton:** Do you think it is essential to have survivors themselves as full members of the panel?

**Justice Goddard:** No, I don't, and I don't believe that that is what the vast majority of the survivors groups' representatives wish and certainly that came through in discussion with them last evening. My view is that the survivors groups can be much more effectively represented by a broader advisory panel that is external to the inquiry panel where you could have only one or two of the survivor groups represented. It was clear to me from speaking with them last night that there are different concerns among the various groups. They come from different areas of experience and their focus is different. To just select one or two is not—the other aspect too is that, speaking with my legal hat on, there are inherent risks in having people with actual experience, as survivors of abuse themselves, as members of an independent, objective, impartial inquiry panel, and that is perfectly obvious when one looks at judicial review and so on.

**Q428 Tim Loughton:** If that is the case—and I don't argue with that—it would make it more essential that there was a recognised body of survivors acting as some form of sounding board, giving advice to you, saying you are going down completely the wrong route or whatever. What would the status of that group be, effectively? What would your relationship or that of other formal panel members be with that group so that it is not a tokenistic exercise and they felt that they had just been appointed to keep everybody quiet?

**Justice Goddard:** My preliminary view, and this is very preliminary, is that it needs to have its own status, that it needs to be very much driven and informed by the survivors groups, and that it will be a valuable resource, as I said, for the inquiry.

**Q429 Tim Loughton:** What do you envisage your working relationship with the Home Secretary and the Home Office will be?

**Justice Goddard:** This inquiry must be completely independent in its decision making and its processes must be dictated by the inquiry itself. This is not an unusual situation where an independent body will have to account responsibly for its fiscal management and for the progress of its work and its output, but the substance of its decision-making, its operational decisions, must be absolutely independent and therefore separate.

**Q430 Tim Loughton:** Does that include the appointment of the panel members? Do you envisage that you will have a power of veto over any recommendations?

**Justice Goddard:** As I recall reading the Act, the appointment of the panel members is to be made by the Home Secretary in consultation with me.

**Q431 Tim Loughton:** Do you think you will have a power of veto, effectively, therefore?

**Justice Goddard:** I would have thought in a practical sense, and I have not met any of the prospective panel members yet so I can't say—

**Tim Loughton:** Entirely theoretical.

**Justice Goddard:** —but speaking theoretically, if I felt there was someone I could not work with, for instance, then there would not be much practical point in them being put on the panel and I would certainly say so.

**Q432 Chair:** Justice Goddard, you mentioned fiscal control; it will be your inquiry.

**Justice Goddard:** Or management, yes.

**Chair:** Have you been told how much has been spent so far?

**Justice Goddard:** No, I have no idea.

**Q433 Chair:** Is that one of the pertinent questions that you will be asking?

**Justice Goddard:** Once I know what resources are needed following the scoping, I will be working out a budget with people who can advise me on that and making a case, no doubt, for the requisite funding.

**Q434 Chair:** What would be very helpful to this Committee before Parliament is dissolved at the end of March is if you were to write to us, of course subject to the decision we take, and tell us the costs incurred so far. It would be extremely helpful if you could do that.

**Justice Goddard:** Incurred so far in the inquiry?

**Chair:** Indeed.

**Justice Goddard:** Yes, I can find that out, I am sure.

**Chair:** Thank you very much. That is very helpful.

**Q435 Yasmin Qureshi:** You probably are aware from the media reports that survivors have a different view of what needs to be done, how things should be done and who should represent them. In light of everything that has been happening over the months with the resignation of two inquiry chairs and the breakdown of the relationship between the panels, how would you try to win their confidence and reconcile their different views and needs to what you think the work of the panel is?

**Justice Goddard:** I am not sure that it is a question of reconciling their differences so much as listening to their different points of view. People are entitled to have different points of view,

shaped by their different experiences. It is just part of the human condition and experience. I think it is really a question of listening.

**Q436 Yasmin Qureshi:** You are appointed by the Home Secretary, the staff who will be working with you are appointed by the Home Office, and I think you will be based in the Home Office. How would you ensure that the panel remained independent of the Government and how would you be convincing the survivors that the panel is truly independent?

**Justice Goddard:** The inquiry will not be based within the Home Office, so it will be separately premised. There may be staff members made available by the secretariat but that is not an unusual situation in such statutory bodies. At the end of the day, I think it is a question of the inquiry establishing confidence through its work as it goes along and of being very careful to be sensitive to confidentiality surrounding survivors and their stories and preserving proper confidentiality around evidence and the work of the inquiry.

**Q437 Yasmin Qureshi:** What are your biggest concerns about taking on this role?

**Justice Goddard:** I think it is the biggest challenge I have faced yet. Concerns is not perhaps the most accurate term. I take it very seriously; that is how I would put it.

**Q438 Chair:** We note the fact that you have an important role in the United Nations on issues relating to torture. Will you be standing down from that role during this inquiry or is it such a role that you can actually fill it in as appropriate?

**Justice Goddard:** It is a very part-time thing and has been able to be accommodated in addition to my judicial responsibilities in New Zealand, which of course have been full-time and very demanding. It is something that I need to revisit and I have said to both the chair of the UN committee of which I am a member and to the Home Secretary that I need to carefully consider whether I should just be devoting myself completely to this inquiry and not have any other distractions.

**Q439 Chair:** Would you like to see that in respect to the rest of your team? Would you like them all to be full-time?

**Justice Goddard:** It is early days for me to say that. It is up to individuals and the demands of the work of the inquiry, I think. It is something to be worked through with people.

**Q440 Chair:** When will you formally be stepping down from your role? Presumably you will take a leave of absence rather than give up your position as a High Court judge.

**Justice Goddard:** No. I have discussed it with the Attorney General of New Zealand and the Chief Justice of New Zealand and we are of the view that, given the length of the inquiry, it is not appropriate to have it as a secondment.

**Chair:** So you would have to step down from that?

**Justice Goddard:** Yes. No date has been put on that yet.

**Q441 Nicola Blackwood:** It has already been referred to that your appointment, Justice Goddard, is coming at a point when the inquiry has suffered a number of setbacks and survivors' trust in the inquiry was sorely tested. I think that the Home Office putting the inquiry on a statutory footing and establishing much more transparent and consultative processes has started to reestablish some of that trust. I have the criteria for chairman here and under expertise it says, "Knowledge: understands child sexual abuse and safeguarding and/or the institutions and organisations' roles and appreciates the long-term impacts on adults who have experienced sexual abuse in childhood". One of the inevitable consequences of it being a statutory inquiry is that there will be a presumption that evidence is given in public, which may inevitably, for some survivors, be quite an intimidating prospect and might put off some who would want to come forward with their stories. What would be your plan for enabling those to come forward in a safe space so that they could still bring their stories forward and make sure that they are heard?

*Justice Goddard:* Yes, absolutely, and that will be done. Nobody who is a survivor would be asked to give their evidence in public who did not wish to do so. As I said before, there will be people who wish to be heard, who wish to tell of their experiences, and their stories will inform the inquiry but will not be published if they did not want them to be published, nor would they be compelled to give evidence in public. That would be absolutely compounding the adverse experiences they have already had. This is not a new thing in inquiries. It is certainly not a new thing in the United Nations work that I have been doing where you have to work out the various different ways you can get information from people that then may lead you to other things but without, in the case of the United Nations work, reprisals on the people who give you the information. The first principle is to do no harm by your investigation and your inquiry.

**Q442 Nicola Blackwood:** One of the key points that has been raised with us by survivors is the need not only to have good investigators and barristers as part of the team but also trauma specialists and clinicians and the right level of care for those who do come forward so that, as you say, the inquiry does not do harm rather than good. Have you started to think through how those provisions might be made? If you felt that you did not have sufficient resource to put that in place with the inquiry, would you be willing to raise that with the Home Secretary?

*Justice Goddard:* Yes, I would be.

**Q443 Nicola Blackwood:** The next point is about long-term support. We have often had raised with us the Australian royal commission as a model of how to do this well, but it is also clear that associated with that royal commission there are still some suicides occurring today because of the emotional toll that giving evidence does have. What we need to make sure is that as much as possible we have in place the support that is necessary. The Home Secretary has announced a number of funds for organisations that will be supporting survivors and so on. What input do you imagine you will have to make sure that those funds and support are sufficient and that survivors are properly protected through this process?

*Justice Goddard:* The lessons to be learned from the Australian inquiry and from other experiences are very valuable in that regard and certainly they would equip this inquiry to make out a case for long-term protection and care.

**Q444 Chair:** You mentioned support. Normally when we get people coming from abroad to run an inquiry, or indeed a football team, they are able to bring their own support staff with them. I assume that you may have a judge's clerk or other team with you who you rely on. Will you be bringing anyone with you to assist you in what you are doing?

*Justice Goddard:* No, I won't be bringing anyone with me, but I know there is interest in New Zealand in various quarters in applying to be part of this inquiry. That has filtered through to me even in this short space of time. So there may be very capable people there who could become part of the inquiry. I don't know, I can't tell, but I won't be bringing any immediate support staff with me, no.

**Q445 Chair:** You mean people are wanting to come with you as part of your inquiry team?

*Justice Goddard:* No, I am not saying that. I am saying they are interested in applying to the inquiry for positions that may become available.

**Q446 Chair:** I see, but you are just coming on your own?

*Justice Goddard:* I am just coming on my own.

**Q447 Mr Clappison:** Having heard you answer questions, given that you arrived on Monday, I want to congratulate you on your stamina, more than anything else, having done the journey the other way round myself.

You may have gathered that there are a number of features of child abuse in this country over recent times but one of the features has been the abuse carried out by high profile figures—I am thinking of one very high profile figure in particular—of an astonishing scope that never came to light when the person concerned was alive but it turned out subsequently and was well evidenced that there had been a huge number of people affected by it. That indicated that there was a culture of people either not being prepared to come forward or, in some cases if they came forward, not being believed. Would you see it as part of your role to address that culture and to change it so that people who have suffered can come forward and be believed?

*Justice Goddard:* Yes.

**Q448 Mr Clappison:** You have seen the cases that I am thinking of here and what has happened and the astonishing extent of the abuse that has taken place?

*Justice Goddard:* Yes, and cultural climate can foster this type of thing, of course.

**Q449 Mr Clappison:** Would you have any message for people who have been victims of abuse or feel they have been the victims of abuse about coming forward and giving evidence?

*Justice Goddard:* Yes. The inquiry already has a website and I think it will be essential for the inquiry to regularly post updates on the website and make it user friendly so that people who wish to come forward can easily find out how to do so and who to contact.

**Q450 Tim Loughton:** Back in the 1990s there was a string of child abuse scandals in New Zealand that dented public confidence in child protection and resulted in the appointment of a chief social worker, who by all accounts was a big success and whose example we followed for the appointment of a chief social worker a couple of years ago. Do you have any experience of child abuse scandals in New Zealand? Do you think the sort of thing that has happened here that you are now going to be investigating could not have happened in New Zealand or perhaps has happened in New Zealand but you are behind the curve in investigating it, or do you think what has happened in the UK and Australia is almost unique?

**Justice Goddard:** You can't talk about what you don't know, of course. I would doubt very much that there has been anything in New Zealand like the scale or the multi-faceted nature of the issues that are before this inquiry. What we regrettably have is a poor record, I am afraid to say, in a different category of child abuse, which is violence towards children, and that is something that we are working to very seriously address. I am not saying that you are not absolutely correct that there have been instances of child sexual abuse. This is not just confined to any one society, but I don't believe and I have no knowledge or experience of anything like the multi-faceted nature or extent of the issues that have been placed before this inquiry.

**Q451 Tim Loughton:** What has the reaction been in New Zealand since the revelations about Jimmy Savile, which really is what brought all of this so much into the open and the tsunami of allegations and people being charged that have come out since? Has New Zealand sat up and said, "Gosh, could this happen here?" or "that would never happen here" or has it been ignored or what? It is interesting to know what the New Zealand perspective is that you are bringing with you on this huge scandal.

**Justice Goddard:** You are right, it is a huge scandal. I am sure there has been worldwide interest, if I can put it as mildly as that, in this, but I can't say that there has been anything like that that I can recollect in New Zealand. It is not a perfect country, of course there are instances of child sexual abuse and I have had to deal with those in my career, but the scale of what is alleged here is quite a different matter.

**Q452 Chair:** We are coming to the end of this pre-appointment hearing, Justice Goddard, but just reflect on this for a moment. You come to this Committee and to this new post as one of the most distinguished women judges in the history of New Zealand. You have 18 years of seniority on the High Court bench in New Zealand, which you are prepared to give up in order to arrive in a country halfway round the world with no home for you to live in at the moment, no appropriate visa and no idea what your salary is going to be. You must be very committed to taking on this task, giving up so much, arriving with such huge challenges. Are you absolutely sure this is what you want to do for four years?

**Justice Goddard:** As I said earlier, I don't think "want" is quite the most accurate word but I am prepared to undertake this.

**Q453 Chair:** You are prepared to rise to the challenge that has been put before you?

**Justice Goddard:** Absolutely, yes.

**Q454 Chair:** If I tell you a timetable: the Committee proposes to consider this later today and to publish our report at midnight tomorrow night, simply because we have some recommendations to make. This ends the Committee's involvement in these matters. As with previous inquiries when Select Committees have undertaken inquiries, as soon as a statutory inquiry is formed Parliament steps back to allow the statutory inquiry to do its work. I am sure our successor Committee, when Parliament is reestablished after 7 May, will want to hear from you so we will have a number of recommendations to make. Once the pre-appointment process is over, when are you able to start? When is day one for you?

**Justice Goddard:** That will need to be negotiated. My immediate task while I am here is to set about the scoping, look at the panel, those things. I need to go back to New Zealand to get my life into order in a short space of time and then relocate, but I would hope the work of the inquiry would be up and running from early April.

**Q455 Chair:** In the meantime, of course the old panel is dissolved. Just to manage expectations here, Parliament and the public should not expect anything of substance to happen until 1 April?

**Justice Goddard:** No, the panel must be in place before I leave.

**Chair:** That process will go on.

**Justice Goddard:** Yes, I think that process has to go on. The processes will go on.

**Q456 Chair:** But in terms of hearings and your first day at work, when you are here established with your visa and your house and—

**Justice Goddard:** Very early April I would envisage, yes.

**Chair:** Whatever happens, could we wish you Justice Goddard, the very best of luck. The eyes of the whole country are upon you, expectations are extremely high, and we wish you the best of luck in this very difficult task.

**Justice Goddard:** Thank you.