



Abuse in Care

Royal Commission of Inquiry

UNDER

THE INQUIRIES ACT 2013

**IN THE MATTER OF The Royal
Commission of Inquiry into
Historical Abuse in State Care and
in the Care of Faith-based
Institutions**

GENERAL SECTION 15 RESTRICTION ORDER

**Dated: 11 June 2020
Re-issued: 2 September 2020
Re-issued: 13 October 2022**

RESTRICTION ORDER PURSUANT TO SECTION 15 OF THE INQUIRIES ACT 2013

General Restriction Order

The Inquiry has the power under section 15 of the Inquiries Act 2013 (“the Act”) to make orders forbidding or restricting public access to any part or aspect of the Inquiry and / or forbidding publication of evidence, submissions, reports, accounts, names or other particulars presented or given to the Inquiry.

This general restriction order applies to all matters protected by this order which are described in A to F below.

In exercise of the power, IT IS ORDERED THAT:

In the absence of express written authority from the Inquiry, the publication of matters described in A-F below is forbidden (whether evidence, submissions or other information received in private session or during an investigation or public hearing) and public access to the relevant part or aspect of the Inquiry is restricted.

A. Anonymity Order (GRO-A)

1. The maker of any written statement or other document disclosed or published by the Inquiry which is marked “Anonymous” is granted anonymity. The name and address of the witness and any other identifying information that is redacted in the witness’s written statement cannot be disclosed or published in any form, whether oral, written or electronic, or in any other way, unless express written permission is given by the Inquiry, or Solicitor Assisting acting on its behalf.
2. A confidential schedule of witnesses to whom this Order relates will be maintained by the Inquiry.
3. Any person who has applied and has been determined to fall within this Order may apply to the Inquiry to vary their anonymity at any time.

B. Identifying Information (GRO-B)

4. Identifying information in respect of the following persons must not be disclosed and/or made public:

- a. Persons who tell the Inquiry that they were abused in circumstances which fall within the Inquiry's Terms of Reference;
 - b. Any person who is or was in care in New Zealand as defined by the Inquiry's Terms of Reference;
 - c. Family members of the those listed in a. and b. above;
 - d. Foster carers;
 - e. Children living in families with foster carers who are themselves not in care;
 - f. Any person who has made a complaint that they were abused whether they fall within the Inquiry's Terms of Reference or not.
5. Identifying information must not be disclosed and/or made public about persons who are the subject of one or more allegations of abuse but who have not been convicted in respect of the allegation(s), unless the Inquiry is satisfied that publication of the allegations is consistent with (i) applicable natural justice obligations and (ii) the determination of any specific applications for restriction orders under s 15 of the Inquiries Act.

C. Personal Information (GRO-C)

6. Personal information may be redacted from evidence and documents where the Inquiry considers it to be conducive to the Inquiry fulfilling its Terms of Reference or to be necessary in the public interest.

D. Medical Information (GRO-D)

7. Where medical information has been provided to or obtained by the Inquiry, the identity of the person to whom the medical information relates may not be published or disclosed by any person, unless express permission is given by the Inquiry, or the Solicitor Assisting acting on its behalf.

E. Requests and Notices

8. Where the Inquiry issues a Statement Request, or a notice pursuant to section 20 of the Inquiries Act 2013, the person to whom the request or notice is addressed must keep confidential any information and documents included within the request or notice and must not disclose that information and those documents to any other person unless express permission is given by the Inquiry, or the Solicitor Assisting acting on its behalf.

F. Written statements containing criticism

9. Where a written statement provided to the Inquiry contains criticism of a named person or organisation, the witness' written statement may be disclosed to the person or organisation criticised for the purpose of obtaining their response to the criticism raised. Anyone to whom information is disclosed in this way must keep it confidential and it must not be disclosed to any other person unless express permission is given by the Inquiry, or the Solicitor Assisting acting on its behalf.

G. General Exceptions

10. The general provision does not apply where:
 - a. publication or disclosure is required by law;
 - b. disclosure is for the purpose of obtaining legal or other professional advice, the person providing the disclosure must ensure that their professional advisor(s) agree(s) to keep the information confidential before the information and documents are shared;
 - c. the publication and/or disclosure of information where the person to whom the information principally relates consents to its publication and/or disclosure;
 - d. information which is already available to the public;
 - e. disclosure to any legal representative acting for the individual to whom the information relates;
 - f. in accordance with paragraph 19 of the Practice Note on Section 15 Orders – Anonymity and Redactions, the witness statement of the witness granted anonymity contains criticism of another person or organisation, the identity of the witness and the nature of the criticism may be disclosed to the person or organisation being criticised subject to any application to prevent such disclosure. Anyone to whom information is disclosed in this way must keep it confidential and not disclose it to any other person, without the express permission of the Inquiry, or Solicitor Assisting acting on its behalf;
 - g. the person concerned is deceased, subject to any specific order of the Inquiry.

H. General

11. The Inquiry may use information protected by the General Restriction Order by disclosing that information on a strictly confidential basis to any persons or organisations where it may assist the Inquiry to fulfil its Terms of Reference;
12. The material is disclosed between members of staff of the Inquiry (which expression includes counsel to or instructed by the Inquiry), or to any person carrying out processing of information on behalf of the Inquiry, solely for the purposes of the work of the Inquiry.
13. Redactions applied in accordance with this Order will be signified and overwritten with the prefix GRO-A, GRO-B, GRO-C or GRO-D as applicable.
14. This Order remains in force for the duration of the Inquiry and at all times thereafter, unless otherwise ordered.
15. The Inquiry may vary or revoke this Order by making a further order during the course of the Inquiry.
16. This Order should be read in conjunction with the [Practice Note 4 – Section 15 Orders – Anonymity and Redaction](#).

Produced by:

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Signed: Judge Coral Shaw
Chair

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