**ROYAL COMMISSION MEDIA COVERAGE GUIDELINES**

**1. Application of guidelines**

These guidelines apply to all public hearings before the Royal Commission of Inquiry into Abuse in Care.

2. **Guiding principles**

(1) All film, photographs and audio recordings taken of hearings that are used or published must provide or assist in providing an accurate, fair and balanced report of the hearing, and must not be used or published out of context.

(2) Applications for in-hearing media coverage are to be dealt with expeditiously and fairly.

3. **Interpretation**

(1) For the purposes of these guidelines, ­**the Commission** means the Royal Commission of Inquiry into Abuse in Care

(2) the standard conditions means:

(a) in the case of an application to film, the conditions set out in Schedule 2;

(b) in the case of an application to take still photographs, the conditions set out in Schedule 3;

(c) in the case of an application to audio record, the conditions set out in Schedule 4.

4. **Discretion of the Commission**

(1) All matters relating to media coverage of Commission hearings are at the discretion of the Commission.

**5. Making application**

(1) Any person who wishes to cover any part of a hearing must apply to the Commission using the prescribed form in Schedule 1.

(2) Any such application should be lodged with the Royal Commission Media Manager at least five working days before the hearing is due to start.

(3) Any application lodged inside five working days before the hearing must contain an explanation for the delay and the reasons why it should be granted despite the delay.

6. **Decisions on application or by hearing**

(1) The Commission may grant or decline any application either on the application or following a hearing.

(2) At any hearing the applicant may appear in person, by a representative, or by counsel.

(3) The Commission may:

(a) grant authority to film the hearing, use the Commission’s footage of a hearing, take still photographs at the hearing, or record the hearing, on the standard or other conditions; or

(b) grant such authority in relation to any part of a hearing; or

(c) decline the application.

7. **Restrictions on coverage/publication**

(1) At any time prior to giving evidence a witness may apply for a direction restricting media coverage of his or her evidence.

(2) In considering a witness application, the Commission must consider whether to make an order under s 15 of the Inquiries Act (restricting access to a hearing or prohibiting publication), or a direction under this section, or both.

(3) In considering making a direction under this section, the Commission may have regard to:

 (a) whether covering the hearing is likely to affect adversely the quality of evidence to be given by the witness;

 (b) whether the presence of a camera or recorder is likely to lead to the witness not giving evidence;

 (c) whether being filmed, photographed or recorded may cause undue stress or anxiety to the witness;

 (d) whether being filmed, photographed or recorded may lead to intimidation or harassment of the witness; and

 (e) any other matters the Commission considers relevant.

(3) The Commission may order that any person covering the hearing:

(a) must not film the witness while he or she is in the hearing premises or giving evidence, must not use the Commission’s footage of that witness, or both;

(b) must not film the witness anywhere between the time of the ruling and the end of the hearing, and must not use the Commission’s live footage of that witness;

(c) must not photograph the witness while he or she is in the hearing premises or giving evidence;

(d) must not photograph the witness anywhere between the time of the ruling and the end of the hearing;

(e) must not record the witness while he or she is giving evidence;

(f) must not record the witness anywhere between the time of the ruling and the end of the hearing;

(g) may film the witness but must ensure that the witness, if broadcast giving evidence, is not recognisable;

(h) must comply with any other conditions imposed by the Commission.

(4) Authority to cover the hearing is subject to any such orders.

(5) Where the Commission makes an order in terms of subclause (3)(a) or (b), the television camera must be either removed from the court while the witness is giving evidence or turned away from the witness so that it is apparent to the witness that he or she is not being filmed.

(6) This section does not limit the power of the Commission to make orders under s 15 of the Inquiries Act 2013.

8. **Prohibitions on publication**

(1) An authority granted to cover a hearing is subject to any order under s 15 of the Inquiries Act prohibiting publication of names or particulars of witnesses or evidence.

(2) When there is such a prohibition relating to a person’s names and identifying particulars, the person cannot be photographed, filmed or recorded, without express permission of the Commission.

9. **Revocation of authority to cover a hearing**

The Commission may at any time revoke authority to cover a hearing if:

(a) the media applicant or someone acting on behalf of the media applicant breaches these guidelines or any condition of the grant of authority to cover the hearing; or

(b) witnesses or participants are being subjected to unreasonable media pressure outside the hearing premises; or

(b) the Commission determines that the rights of any participant in the Inquiry may or will be prejudiced if coverage continues; or

(c) coverage of the hearings is disrupting the Inquiry.

11. **Minimum conditions**

(1) The conditions on which authority to cover a hearing are granted are minimum conditions.

(2) The media applicant and those acting on behalf of the media applicant must at all times ensure that they do not commit contempt. In particular, they must ensure that they do not interfere with the due administration of justice.

12. **Method of communication**

Any written application or response under these guidelines may be emailed to media@abuseincare.org.nz

Schedule 1 APPLICATION FOR MEDIA COVERAGE

To Media Manager, Royal Commission of Inquiry into Abuse in Care,

1. We request permission to:

(a) film

(b) use the Commission’s footage of

(c) take still photographs during

(d) record

the following hearing(s) of the Commission:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Expected dates of coverage \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. *[In the case of television or radio]* Name of programme or programmes in which the film or recording may be used \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. The following conditions of coverage should apply:

(a) the standard conditions

(b) the standard conditions as modified or expanded or both *[Give details on separate sheet]*

5. *[To be completed only if this application has been lodged out of time.]*

(a) This application was not filed at least five working days before the hearing because:

(b) This application, although filed out of time, should nonetheless be granted because

Applicant information: Applicant’s name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Solicitors\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of responsible person\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Business address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

e-mail address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number (\_\_\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax number (\_\_\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commission use

1. Date application received \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Schedule 2

STANDARD CONDITIONS FOR FILMING

1. Only one camera may be situated in the hearing room, regardless of how many people are given authority to film for television. In the event there is a dispute between those authorised to film as to whose camera will be situated in the court room, the Commission will rule.

2. The camera must be situated in a position approved by the Commission.

3. Any person wishing to instruct the camera operator during a hearing session must sit next to the camera operator and must give any instructions as unobtrusively as possible and in such a manner as not to interfere in any way with the running of the Inquiry.

4. While the Commission is in closed session, no filming must take place.

5. Members of the public attending the hearing must not be filmed in the hearing room.

6. Counsel’s papers must not be filmed.

7. Exhibits must not be filmed without permission of the Commission.

8. No filming may take place in the hearing room when the Commissioners are not present, except with prior leave of the Commission.

9. Film taken must not be broadcast until at least 10 minutes have elapsed.

10. The media applicant must maintain a copy of all broadcasts using film taken during a hearing and must supply a copy to the Commission if requested.

11. Film taken must not be used, while the Inquiry continues, other than in the programme nominated in the application form.

12. Film taken must not be used in any promotional broadcasts or as trailers.

Schedule 3

STANDARD CONDITIONS FOR STILL PHOTOGRAPHS

1. The photographer must be situated in a position approved by the Commission.

2. Any person wishing to instruct the photographer during a hearing must sit next to the photographer and must give any instructions as unobtrusively as possible and in such a manner as not to interfere in any way with the running of the Inquiry.

3. While the Commission is sitting in closed session, photographs must not be taken.

4. Members of the public attending the hearing must not be photographed in the hearing room.

5. Counsel’s papers must not be photographed.

6. Exhibits must not be photographed without leave of the Commission.

7. No photographs may be taken in the hearing room when the Commissioners are not present, except with prior leave of the Commission.

8. Photographs taken must not be used, while the Inquiry continues, other than in the print media published by the media applicant.

Schedule 4 STANDARD CONDITIONS FOR AUDIO RECORDINGS

1. While the Commission is sitting in closed session, no recording must take place.

2. No recording may take place when the Commissioners are not present, except with prior leave of the Commission.

4. Recording taken must not be broadcast until at least ten minutes have elapsed.

5. The media applicant must maintain a copy of all broadcasts using recording taken during a hearing and must supply to the Commission a tape of any broadcast or a transcript of any broadcast or both, if requested.

6. Recording taken must not be used, while the Inquiry continues, other than in the programme nominated in the application form.