**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**

MINUTE 2 – Procedural Hearing

Dated: 15 August 2019

**INTRODUCTION**

1. In the last minute issued by the Royal Commission on 2 July 2019, a procedural hearing was scheduled for 19 August 2019 at 10:00am.

1. The purpose of this Minute is to:
   1. Provide information about the Procedural Hearing and how it will be conducted;
   2. Confirm the purpose of the Procedural Hearing**;**
   3. Clarify the different ways that people and organisations can participate at the Procedural Hearing and as the Royal Commission continues;
   4. Confirm what will not be addressed at the Procedural Hearing**.**
2. This Minute will also provide some preliminary information about:
3. The first substantive hearing **(The Contextual Hearing)** scheduled for 29 October – 8 November 2019.
4. the development of the Legal Assistance Funding framework.

**CONDUCT OF PROCEDURAL HEARING**

1. All Commissioners will be present at the Procedural Hearing, which will be chaired by Sir Anand Satyanand.
2. The venue for the Procedural Hearing will be Rydges Hotel, 59 Federal Street, Auckland 1010. The Hearing will begin at 10am with a karakia and a brief exchange of mihi. The hearing will also close with a karakia. It is anticipated that the hearing will be completed by 1pm.
3. The hearing will be live streamed on the Commission’s website.

**PURPOSES**

1. The purposes of the Procedural Hearing on 19 August 2019 are:
2. To ensure effective preparation for the first substantive hearing (the contextual hearing) beginning 29 October 2019;
3. for the Royal Commission to provide information relevant to the Contextual Hearing;
4. for the Royal Commission to hear from, those with leave to appear and to clarify further the procedural points raised.
5. Any person (whether individual, group, institution, or other organisation) (person) may attend the procedural hearing
6. The Commission will not hear evidence from witnesses at the procedural hearing.

**CORE PARTICIPANT APPLICATIONS TO DATE**

1. In our Minute of 2 July 2019, the Commission sought initial applications by those who considered they met the Core Participant criteria. The Commission wants to make clear that people and organisations can make an application to be designated a Core Participant at any time.
2. The Royal Commission received a number of applications for Core Participant status. The Commission has acknowledged receipt of those applications. and they are currently under consideration according to the criteria set out in Section 17(2) of the Inquiries Act.
3. It is worth reiterating that it is not necessary for an individual or an entity to be a core participant to participate in a public hearing. It is also possible to appear as a witness or with leave to appear. As the Commission’s work is ongoing, the Commission will make decisions about witnesses as the work programme is settled.

**THE COMMISSION’S WORK PROGRAMME**

1. The Commission is currently considering the particular topics and themes for public hearings from 2020 to 2022.
2. When a public hearing is set, a draft scope document will be published on our website in advance of the public hearing. The purpose of the scope document will be to summarise what topics, themes, or specific areas we are considering to cover. The draft scope document for the contextual hearing is currently available on the Commission’s [website](https://www.abuseinstatecare.royalcommission.govt.nz/vwluResources/29OctPublicHearingScope.pdf/$file/29OctPublicHearingScope.pdf).
3. In particular, we encourage survivors, their advocates, and community organisations working in the relevant area to review and provide feedback on scope documents as they are released. There will be a page on our website dedicated to upcoming public hearings where scope documents will be included.
4. If a person, group of people, or organisation considers that they meet the criteria in Section 17(2), they may apply for core participant status at that time. We also encourage survivors with common experiences or backgrounds to come together in order to seek to engage in public hearings by seeking leave to appear.

**LEGAL ASSISTANCE**

1. The Royal Commission has powers under s 18 of the Inquiries Act to recommend that the Department of Internal Affairs fund legal assistance for persons who have an interest in, or are required to appear before, the Inquiry, especially where they wish to make a submission or are required to appear at a public hearing. The Commission recognises that where allegations are made against them, or there is the possibility of adverse criticism by the Inquiry, there is also a need for independent legal advice.

1. The details of this fund are being finalised and a separate practice note will be issued once those are confirmed. This will explain in further detail the criteria and how to apply.