



Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions Amendment Order (No 2) 2023

Charles the Third, by the Grace of God King of New Zealand and his Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To—

Dr Andrew Erueti, Nga Ruahinerangi, Ngati Ruanui (Taranaki), Ati Hau Nui A Paparangi (Wanganui), of Auckland, Associate Professor at the University of Auckland Law School,

Paul Gibson, of Wellington, disability adviser, advocate, and community leader, and former Human Rights (Disability Rights) Commissioner, and

Her Honour Judge Coral Shaw, of Te Awamutu, former lawyer, District Court Judge, Employment Court Judge, and Judge of the United Nations Dispute Tribunal:

Greeting!

We, by this order, amend the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions Order 2018 issued at Wellington on the 12th day of November 2018.

This order is made—

- (a) under the authority of the Letters Patent of Her Majesty Queen Elizabeth the Second constituting the office of Governor-General of New Zealand, dated 28 October 1983;* and
- (b) under the authority of section 6 of the Inquiries Act 2013 and subject to the provisions of that Act; and
- (c) on the advice and with the consent of the Executive Council.

*SR 1983/225

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Order

1 Title

This order is the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions Amendment Order (No 2) 2023.

2 Commencement

This order comes into force on 8 September 2023.

3 Principal order

This order amends the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions Order 2018.

4 Purpose

The purpose of this order is to—

- (a) record the resignation of Ali’imuamua Sandra Alofivae, MNZM, of South Auckland, lawyer, former Families Commissioner, and Pacific community leader; and
- (b) confirm the interpretation of “in the care of faith-based institutions” in Minute 16 of the inquiry (dated 31 January 2022); and
- (c) accordingly, affirm the basis on which the inquiry has conducted its process and received evidence from victims and survivors in relation to abuse in the care of faith-based institutions; and
- (d) thereby support the inquiry to discharge its functions in accordance with the principle of focusing on victims and survivors as required by clause 19(b) of the inquiry’s terms of reference.

5 Preamble amended

In the preamble, delete “Ali’imuamua Sandra Alofivae, MNZM, of South Auckland, lawyer, former Families Commissioner, and Pacific community leader,”.

6 Schedule amended

In the Schedule, after clause 17.4(b), insert:

- (ba) for the avoidance of doubt, a faith-based institution may assume responsibility for the care of an individual through an informal or pastoral care relationship. An informal or pastoral care relationship includes a trust-

based relationship between an individual and a person with power or authority conferred by the faith-based institution, where such a relationship is related to the institution's work or is enabled by the institution's conferral of authority or power on the person:

In witness whereof We have caused this Our Commission to be issued and the Seal of New Zealand to be hereunto affixed at Wellington this 7th day of September 2023.

Witness our Trusty and Well-beloved The Right Honourable Dame Cindy Kiro, Chancellor and Principal Dame Grand Companion of Our New Zealand Order of Merit, Principal Companion of The Queen's Service Order, Governor-General and Commander-in-Chief in and over Our Realm of New Zealand.

Cindy Kiro,
Governor-General.

By Her Excellency's Command,

Chris Hipkins,
Prime Minister.

Approved in Council,

Rachel Hayward,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 8 September 2023, amends the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions Order 2018 to—

**Royal Commission of Inquiry into Historical Abuse in
State Care and in the Care of Faith-based Institutions
Amendment Order (No 2) 2023**

Explanatory note

2023/250

- record the resignation of Ali'imua Sandra Alofivae, MNZM, of South Auckland, lawyer, former Families Commissioner, and Pacific community leader; and
- confirm the interpretation of “in the care of faith-based institutions” in Minute 16 of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (31 January 2022); and
- accordingly, affirm the basis on which the inquiry has conducted its process and received evidence from victims and survivors in relation to abuse in the care of faith-based institutions; and
- thereby support the inquiry to discharge its functions in accordance with the principle of focusing on victims and survivors as required by clause 19(b) of the inquiry’s terms of reference.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 7 September 2023.

This order is administered by the Department of Internal Affairs.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2023