



Royal Commission on the Pike River Coal Mine Tragedy
Te Komihana a te Karauna mō te Parekura Ana Waro o te Awa o Pike

UNDER

THE COMMISSIONS OF INQUIRY ACT 1908

IN THE MATTER OF

**THE ROYAL COMMISSION ON THE PIKE RIVER COAL
MINE TRAGEDY**

PRACTICE NOTE NO. 4

20 October 2011

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Introduction

1. This further Practice Note responds to three procedural matters raised by counsel at the conference on 16 August 2011 concerning the Phase Three hearings.

Management of objectionable evidence

2. Given the Commission's power to receive evidence which would not ordinarily be admissible, parties and interested persons may apply for a management direction in relation to evidence which it is contended is speculative, unreliable or otherwise objectionable. A management application may be sought within 10 working days of the evidence becoming accessible on the website, or no later than 10 working days prior to the commencement of the hearing to which the evidence relates, whichever is the earlier.
3. The Commission will determine whether and if so how the evidence is to be managed in order to mitigate its potential adverse effect upon the interests of others, including by making:
 - (i) a direction that such evidence be restricted to those with access to the secure website (who are subject to the implied undertaking of confidence imposed by paragraph 16 of Practice Note No 2);
 - (ii) a direction in the context of a public hearing for the suppression of any objectionable content or a direction that such content not be heard at the public hearing; and
 - (iii) such other direction as is required in the interests of justice.

Submissions from participants

4. Provision will be made for participants to make submissions concerning issues relevant to the Inquiry, including submissions as to the recommendations to be made by the Commission.
5. The present intention is that submissions will be made at the end of the inquiry process, when participants will be invited to file written submissions and time will be provided to speak to such submissions. However, the Commission also reserves the right to direct that submissions pertaining to a phase or some question are to be filed in an alternative manner.

Expert evidence

6. The filing of expert evidence with the Commission is subject to compliance with the Code of Conduct annexed to this Practice Note (which is based on the High Court Code).
7. If the expertise of an expert witness is challenged by another participant, a ruling from the Commission may be sought in advance of any public hearing upon the filing of a challenge application within the time limits set out in paragraph 2 above.

Christmas Holiday Period

8. The days from 23 December 2011 to 13 January 2012 shall be excluded from the calculation of the 10 working days' time limit for filing various applications with the Commission.

9. The Commission's office will close at 2pm on 23 December 2011 and not reopen until 9 January 2012.

Produced by

The Royal Commission on the Pike River Coal Mine Tragedy
P O Box 5846
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Wellington

Dated 20 October 2011