

**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

1. On 3 June 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Accountability and Reparations investigation to make an application to the Solicitor to the Inquiry by 1 July 2016. Such applications are currently limited to participation in the four case studies.
2. An application was made by Forde Park Survivor Group (“FPSG”) for core participant status in the Accountability and Reparations investigation. This notice sets out my determination of the application.
3. Applications for core participant status are considered under Rule 5 of the Inquiry Rules 2006 which provides:

*(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.*

*(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether –*

*a. The person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*

*b. The person has a significant interest in an important aspect of the matters to which the in*

*quiry relates; or*

*c. The person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*

*(3) A person ceases to be a core participant on –*

*a. the date specified by the chairman in writing; or*

*b. the end of the inquiry.*

4. A 'person' for the purposes of Rule 5 includes "a body of persons, incorporate or unincorporate" (as defined by the Interpretation Act 1978 (per section 5 and schedule 1 (Words and Expressions Defined))).
5. FPSG is an unincorporated survivor representative group. There are nine individuals who describe themselves as "open" members, in that they are prepared to allow their names to go forward. At this stage these nine individuals are also FPSG. These nine individuals have also made individual applications for core participant status which I have granted. However, I am informed that there is a very substantial number of other survivors from Forde Park Approved School who stand behind FPSG and who wish to remain anonymous at this time.
6. I understand FPSG may be able to assist the inquiry in a direct way about the institutional response to information that children were or may have been sexually abused within such homes. As part of this investigation, the Inquiry will consider the experiences of individuals placed in Forde Park Approved School in order to investigate general issues of accountability and reparation for victims and survivors, including the extent to which this can be achieved through the existing processes of civil litigation, criminal compensation and support services. As an unincorporated group, FPSG is entitled to designation as a core participant if it satisfies the Rule 5(2) criteria.
7. I should emphasise that the Inquiry is obliged to take a proportionate approach to its investigations and will not be in a position to investigate fully the circumstances of every core participants' experience. Designation as a core participant will give the individual access to documentary material obtained by the Inquiry but it is likely that the Inquiry will limit such disclosure to material that relates to their specific interest in this investigation.
8. Applications for designation as the recognised legal representative of a core participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide

as follows:

6(1) *Where -*

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*  
*has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.*

7(1) *This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that -*

- (a) their interests in the outcome of the inquiry are similar;*
  - (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
  - (c) it is fair and proper for them to be jointly represented.*
- (2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.*
- (3) Subject to paragraph (4), any designation must be agreed by the core participants in question.*
- (4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.*

9. I am satisfied that FPSG has appointed David Enright of Howe+Co as their qualified lawyer in relation to this investigation. I therefore designate Mr Enright as the recognised legal representative for FPSG in accordance with Rule 6(1) as I am required by that rule to do.

10. Directions will be given for receipt of applications for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal

representation at the forthcoming public hearing. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

**Hon. Dame Lowell Goddard DNZM**  
**Chair, Independent Inquiry into Child Sexual Abuse**

**20 July 2016**