

# ***Criminal Cases Review Commission***

**Newsletter #2 – April 2020**

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## **Kia ora koutou**

It is scarcely believable how much the world has changed since I first got in touch a month ago. The global spread of the Covid-19 crisis has been alarming, with the pandemic now affecting the lives of every one of us.

Here in New Zealand, as elsewhere, the government and businesses are adopting a work-from-home policy, and that is enabling our work to establish the Criminal Cases Review Commission to continue. It is still intended that the CCRC be ready to take applications from 1 July this year.

## **Update**

First, I want to thank everyone who provided feedback on my first newsletter. It was heartening to receive your expressions of support and goodwill. I am keen to hear from anyone who has any comments or questions, so please continue getting in touch. Our contact details are below.

For the benefit of those who are hearing from me for the first time, I will quickly recap the CCRC's purpose.

It is an independent Crown entity that will be based in Hamilton, with a mandate to investigate possible miscarriages of justice. Its role is not to determine innocence or guilt, but to investigate applicants' cases and refer them back to the appeal court where it is in the interests of justice to do so. The CCRC's processes and procedures are still being developed – more on that in coming newsletters.

However, I can say that we are drawing on the work of similar commissions in England, Scotland and Norway. And we have an Establishment Advisory Group (EAG) and a small implementation team to oversee the set-up phase.

## **How will the CCRC function?**

I met with the Establishment Advisory Group on 12 March to get their feedback on key elements including the CCRC's functions, how it will conduct itself, how it will receive and review applications, how it will make decisions and what the look and feel of the CCRC might be. We had a vibrant discussion with lots of ideas put forward by the Advisory Group. I particularly enjoyed a session led by the EY Tahi Group that provides a challenge

to use tikanga as the foundation for how the CCRC is designed and operated. It was a fruitful session and enabled us to continue on with the development of the CCRC. The CCRC Establishment Advisory Group's primary purpose is to advise on the CCRC's establishment, to ensure we give effect to the Criminal Cases Review Commission Act 2019, our governing statute.

A reminder of the group's membership: Professor Tracey McIntosh, Professor Elisabeth McDonald, Dr Anna Sandiford, Associate Professor Dr Tamasailau Suaalii-Sauni, Tim McKinnel, and Nigel Hampton CNZM, OBE, QC. It is a talented and diverse line-up, and you can read more about them on the MoJ website here:

<https://www.justice.govt.nz/justice-sector-policy/key-initiatives/criminal-cases-review-commission/>

## **Property**

We have looked at seven properties in Hamilton. The property and security team at the Ministry of Justice helped us identify a preferred property. This property is very central and very private. It provides a safe and secure working space for staff, commissioners and visitors. We are now in discussion with the landlord to finalise terms and conditions. More on this next month.

## **Recruitment of Commissioners**

The CCRC will have between three and seven commissioners, including myself as Chief Commissioner, and a Deputy Chief Commissioner. At least one member will be required to have knowledge or understanding of te ao Māori and Māori tikanga, a third of the members must be legally qualified with a minimum of seven years' experience, and two-thirds must have criminal justice expertise.

There has been keen interest in the commissioner roles, with 79 applications received. I have been impressed with the applicants' high calibre and the time and effort people have put into their applications. We are formalising a shortlist for interview, and I expect appointments to be made by the Cabinet in May 2020. Thank you to everyone who applied.

## **Next steps**

This time next month I expect to be able to link you to our new website. We are working on our interim website with the new application form. This is to enable applicants, their whānau, supporters or representatives to start preparing applications to be received on 1 July.

## **Criminal Cases Review Commission - officially a Crown Entity**

On 1 July the Criminal Cases Review Commission will be able to receive applications. A major milestone along that path is becoming an independent Crown entity, which

happens today. This enables us to open a bank account, receive funding from the Government, register with the IRD, establish a payroll system and see to other behind-the-scenes needs. This means that from 1 July the Commissioners and the staff of the CCRC will be able to focus on their core role of receiving applications and reviewing potential miscarriages of justice.

Finally, please forward this to anyone who you think may be interested. If you no longer wish to receive this newsletter, please let us know by contacting the email address above.

Ngā mihi nui,

Colin Carruthers QC  
Chief Commissioner, Criminal Cases Review Commission

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**Questions?** Email us at [ccrcimplementation@justice.govt.nz](mailto:ccrcimplementation@justice.govt.nz) or write to us at:

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