

31 March 2021

Our ref. OIA 86379

Ross Francis
fyi-request-14844-25ebd68b@requests.fyi.org.nz

Dear Mr Francis

Official Information Act Request

Thank you for your information request under the Official Information Act 1982 (the Act) of 4 March 2021. You requested copies of all briefings and communications received by the Minister of Justice or his office during the period 1 September 2020 to 3 March 2021, regarding miscarriages of justice or wrongful convictions, including any briefings or communications from, or relating to, the Criminal Cases Review Commission. The Minister has transferred your request to the Ministry for response.

Five documents fall within the scope of your request. Three of those documents are Ministry of Justice legal advice on individual applications for compensation for wrongful conviction and imprisonment or for the exercise of the Royal prerogative of mercy. These documents are withheld on the basis of privacy [s 9(2)(a)] and legal professional privilege [s 9(2)(h)].

Another document is the Ministry's legal advice contained in an initial briefing on compensation for wrongful conviction and imprisonment and the Royal prerogative of mercy. The final document is an aide memoire from the Ministry responding to several requests for legal advice from the Minister stemming from the content of the initial briefing. These documents are being withheld on the basis of privacy and legal professional privilege, except for the enclosed table of successful compensation claims attached to the initial briefing.

The reasons for withholding these documents are not outweighed by the public interest in their release.

Yours sincerely



Jeff Orr
Chief Legal Counsel

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Appendix B – Successful compensation applications since Guidelines established

Claimant	Year claim decided	Convictions	Time in prison	Non-pecuniary award	Pecuniary award	Total	QC
Claims within Guidelines							
David Dougherty	2000 (received 1998)	Abduction, sexual violation	3 years, 3 months	\$700,000	\$168,728	\$868,728	Stuart Grieve QC
MRD (name suppressed)	2000 (received 1998)	Sexual offences with child	14 months	\$400,000	\$170,696	\$570,696	David Williams QC
F (name suppressed)	2005 (received 2001)	Breach of military law – threatening to kill	1 month	\$108,219	\$36,002	\$144,221	Paul Davison QC
Lucy Akatere McCushla Fuataha Tania Vini	2006 (claimed received 2002, payment in 2006)	Aggravated robbery	7 months	\$135,000 \$137,500 \$135,000	\$1,259 \$1,259 \$5,259	\$136,259 \$138,759 \$140,259	Kristy McDonald QC
Teina Pora	2016 (received 2015)	Murder, sexual violation, aggravated burglary	19 years, 7 months	\$3,174,994	\$334,054	\$3,509,048	Rodney Hansen QC
Tyson Redman	2018	Injuring and wounding	2 years, 6 months	\$475,722.75	\$75,294.41 plus up to \$21,700 for counselling	\$551,017 (\$572,717)	Dr Donald Stevens QC
Claims outside Guidelines							
Aaron Farmer	2010 (received 2009)	Sexual violation	2 years, 3 months	\$351,575	No claim	\$351,575	Dr Robert Fisher QC
Jaden Knight Phillip Johnston	2010 (received 2007)	Arson	9.5 months	\$106,151 \$110,082	\$115,785 \$35,929	\$221,936 \$146,011	Ministry

Notes

Since *Guidelines* were adopted in 1998, 35 claims have been decided. This figure includes the claim by David Dougherty, whose claim was commenced prior to the *Guidelines* being adopted and was decided according to interim guidelines agreed by Cabinet for the purpose.

Under the new Guidelines, the distinction based on whether claims are inside or outside Guidelines no longer applies.