



28 JUN 2018

Ross Francis

fyi-request-7944-5ad6c48d@requests.fyi.org.nz

Dear Mr Francis

## Official Information Act 1982 Request

I refer to your Official Information Act 1982 (the Act) request of 28 May 2018. You have sought the following:

*...copies of all communication you have had with Justice Ministry officials and others in regards to establishing a Criminal Cases Review Commission (CCRC). The period covered by this request is 19 October 2017 to 25 May 2018 (inclusive). Information includes (but is not limited to) texts, file notes, memos, faxes, letters, emails, informal and formal briefings, Cabinet papers, feedback from interested parties.*

The appendix to this letter lists the documents within the scope of your request.

The appendix notes where information has been withheld under section 9 of the Act. As before, I anticipate more information on these matters will be made publicly available once policy decisions have been made.

The personal information of some individuals has been withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons.

Certain information has been withheld from these documents under section 9(2)(f)(iv) of the Act in order to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. The information withheld is considered advisory in nature and has been tendered by the Ministry of Justice. Releasing the information at present would prejudice the Government's ability to receive and consider the advice in an effective and orderly manner.

Some information has also been withheld under section 9(2)(g)(i), in order to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any Department or organisation in the course of their duty.

I note that the responses to targeted consultation undertaken by my officials also fall within the scope of your response. I have withheld these in full, including the names of those consulted with, under section 9(2)(a) and section 9(2)(f)(iv) of the Act. Again, releasing this information at present would prejudice the Government's ability to receive and consider the advice on establishing the CCRC in an effective and orderly manner.

I am satisfied that there are no public interest considerations that render it desirable to make the information available.

You also asked whether the Ministry of Justice:

*...has recommended to you that specific criteria should apply in regards to who is appointed to the CCRC? If so, what is the recommended criteria?*

As indicated above, the Government work to establish the CCRC is ongoing. I hope to be making public announcements about progress establishing a CCRC in the coming months, at which point I anticipate more information will be publicly available.

Lastly you asked:

*What, according to records you hold, is the purpose of referring a case back to the Court of Appeal when an applicant has served their sentence and been released from prison?*

I do not hold any records specifically on this topic. However, referring a case back after an applicant has served their sentence is one way of recognising the stigma experienced by people with convictions for offences. It is well established that convictions have a lasting social and psychological effect. A person can be disadvantaged or discriminated against if they are required to disclose their conviction or it appears on a criminal history check. This can have an impact on opportunities such as employment and travel. Above all, the sense of injustice arising out of a miscarriage of justice does not evaporate just because the sentence following it has been served. Injustice is only cured when justice is done.

If you are dissatisfied with this response, you may complain to the Ombudsman under section 28(3) of the Act. The contact details for the Office of the Ombudsman are:

Office of the Ombudsman  
PO Box 10152  
Wellington 6143  
Phone: 0800 802 602  
Email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in blue ink that reads "Andrew Little". The signature is written in a cursive, flowing style.

Hon Andrew Little  
**Minister of Justice**

**Appendix – Documents within scope of request of 28 May 2018 from Mr Ross Francis**

<b>No</b>	<b>Document Title</b>	<b>Date</b>	<b>Type of document</b>	<b>Comments</b>
1	Establishing a Criminal Cases Review Commission	09/11/2017	Briefing	Some information has been withheld under s 9(2)(a), s 9(2)(f)(iv) and s 9(2)(g)(i).
2	Weekly Report for Minister of Justice and Minister for Courts	17/11/2017	Weekly Report	Some information has been withheld under s 9(2)(a). Information also withheld as out of scope of the request.
3	Proposed model for establishing a Criminal Cases Review Commission	11/12/2017	Briefing	Some information has been withheld under s 9(2)(a), s 9(2)(f)(iv) and s 9(2)(g)(i).
4	Weekly Report for Minister of Justice and Minister for Courts	19/01/2018	Weekly Report	Some information has been withheld under s 9(2)(a) Information also withheld as out of scope of the request.
5	Weekly Report for Minister of Justice and Minister for Courts	26/01/2018	Weekly Report	Some information has been withheld under s 9(2)(a) and s 9(2)(f)(iv). Information also withheld as out of scope of the request.
6	Weekly Report for Minister of Justice and Minister for Courts	23/02/2018	Weekly Report	Some information has been withheld under s 9(2)(a) and s 9(2)(f)(iv). Information also withheld as out of scope of the request.
7	Supplementary advice on the Criminal Cases Review Commission model	09/03/2018	Briefing	Some information has been withheld under s 9(2)(a) and s 9(2)(f)(iv) and s 9(2)(g)(i).
8	Establishing a Criminal Cases Review Commission	09/03/2018	Draft Cabinet paper	Withheld in full under s 9(2)(f)(iv).
9	Criminal Cases Review Commission: areas for further discussion	28/03/2018	Aide memoire	Some information has been withheld under s 9(2)(f)(iv).

10	Timing for the establishment of the Criminal Cases Review Commission	27/04/2018	Aide memoire	Some information has been withheld under s (9)(2)(f)(iv).
11	Criminal Cases Review Commission: areas for further discussion	11/05/2018	Aide memoire	Some information has been withheld under s (9)(2)(f)(iv).
12	Hon Grant Robertson – Establishing a Criminal Cases Review Commission	21/05/2018	Letter	Some information has been withheld under s (9)(2)(f)(iv).
13	Establishing a Criminal Cases Review Commission	21/05/2018	Draft Cabinet paper	Withheld in full under s 9(2)(f)(iv).