



**Te Kāhui
Tātari Ture**
Criminal Cases
Review Commission

Statement of Intent 2020-2023





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Te Kāhui Tātari Ture

Waikato-Tainui the mandated tribal entity of Kirikiriroa | Hamilton region gifted the name of Te Kāhui Tātari Ture to the Criminal Cases Review Commission in recognition of the Māori-Crown relationship between the two organisations as Treaty partners.

The provenance of Kāhui Tātari is synonymous with the ancient Whare Wānanga or centres of learning with a role in adapting procedures, processes and maatauranga mainly led by a Tohunga Ahurewa (High Priest).

The literal meaning of the full name Te Kāhui Tātari Ture:

Kāhui or group,

Tātari or review,

Ture or law.

It is an honour for the Commission to receive Te Kāhui Tātari Ture as our name and understanding as it specifically recognises the work and role of the Commission.

In particular we acknowledge Rahui Papa, Taki Turner and Mahana Toka for their advice and guidance to the Commission.

Te Kāhui Tātari Ture will be used as our preferred name.

Introduction

Te Kāhui Tātari Ture | Criminal Cases Review Commission was launched on 1 July 2020 to review and investigate criminal convictions and sentences in New Zealand and decide whether to refer them to an appeal court.

It is an Independent Crown entity for the purposes of the Crown Entities Act 2004. This Statement of Intent has been prepared to meet the requirements of that Act, and the Crown Entities Amendment Act 2013.

It sets out the strategic direction of Te Kāhui over the next three years, relating to our performance and our operating environment. It also defines our outcome framework and the measures we will use to assess, and determine whether we have achieved, our strategic intentions.

Te Kāhui Tātari Ture at a glance

We are an independent Crown entity that reviews criminal convictions and sentences where there is a claimed miscarriage of justice.

We were established under the Criminal Cases Review Commission Act 2019.

We can refer a conviction or sentence to an appeal court if we determine that it is in the interests of justice to do so.

Anyone convicted or sentenced in a New Zealand court is able to make an application for a review of their case, though an important factor we consider, before accepting an application is whether or not an applicant has used all their rights of appeal.

We are based in Hamilton, as we believe it is important that we are independent from central government and the main judicial centres of Auckland and Wellington.

Our work is directed by a Board comprising a Chief Commissioner, a Deputy Chief Commissioner and five Commissioners.

Our governing legislation stipulates that at least one member must have knowledge or understanding of te ao Māori and tikanga Māori, at least one-third must be legally qualified and at least two-thirds must have experience working in the justice system. We meet those requirements.

We engage deeply and respectfully on matters that in all likelihood have caused considerable suffering and distress, not just to applicants but also to their whānau and families.

Our investigations of possible miscarriages of justice are rigorous and thorough, in order to minimise the risk of error, and to preserve New Zealanders' confidence in the criminal justice system.



Statement of responsibility

This document constitutes our Statement of Intent as required under the Crown Entities Act 2004.

We are satisfied that the information on strategic intentions prepared by Te Kāhui Tātari Ture | Criminal Cases Review Commission is consistent with the policies and performance expectations of the Government.

Chief Commissioner's message

New Zealand's justice system has well-established rights of appeal and various procedural safeguards against unsafe convictions. But miscarriages of justice sometimes occur, because as with any system, mistakes are made.

The establishment of Te Kāhui Tātari Ture | Criminal Cases Review Commission is a welcome new layer in our criminal justice arrangements. It provides a safety valve for addressing concerns that have prevailed for some time, amongst the legal profession and elsewhere, about the handling of unsafe convictions.

There were several compelling reasons to set up a criminal cases review entity in New Zealand, stemming from concerns that had been previously expressed about the independence, timeliness, quality and fairness of investigations into miscarriages of justice.

Our jurisdiction is to review and investigate a conviction or sentence, or both, and decide whether there has possibly been a miscarriage of justice. The test we apply is the 'interests of justice', which is a broad concept but one which is designed to capture all considerations that are relevant to a particular case.

Our medium-term challenge is to complete quality investigations in a timely manner, applying the interests of justice test. We will identify cases where the potential unreliability of a conviction or sentence is so apparent to us that those cases, on analysis, represent a possible miscarriage of justice which ought to be considered by an appeal court.

By 2023 we want to have established a reputation for delivering fair and rigorously researched decisions, reached by following coherent frameworks and procedures which reflect statutory obligations that are consistent with the Treaty of Waitangi.

We want to be recognised for demonstrating respect to all those we deal with, which requires us to adapt to the different cultural backgrounds of applicants and their whānau and wider family groups.

It is essential that those who have potentially suffered a miscarriage of justice are dealt with fairly and humanely, and that we recognise, too, the interests of victims of crime.



Colin Carruthers, QC
Chief Commissioner

30 September 2020



Paula Rose QSO
Deputy Chief Commissioner

30 September 2020



About Te Kāhui Tātari Ture

Purpose

The purpose of Te Kāhui Tātari Ture is to operate as an independent body to investigate and review criminal convictions and sentences and decide whether to refer to an appeal court.

Values

As a new organisation, we are still developing our values and our culture.

Through this establishment phase the principles and values we embrace are:

- **Manaakitanga** – We will ensure our systems, processes and interactions demonstrate integrity whilst protecting and enhancing the mana of all people involved
- **Accessible and responsive** – We will identify and mitigate any existing or potential barriers to people accessing the application process, which will be easy to find and understand. Throughout the process, the applicant will be kept informed
- **Independence and fairness** – We will perform Te Kāhui's functions without interference and in an equitable fashion
- **Transparency** – We will consider when and how people are informed of our processes in a way which is respectful, whilst at the same time promotes accountability
- **Whānau-centred** – We will allow for the involvement of people's support networks and recognise that the effects of an event have far-reaching, intergenerational impacts for their entire whānau
- **Māori worldview** – We will elevate understanding of mātauranga Māori (Māori knowledge) and tikanga Māori (Māori customs and practices) in the policies, process and design of Te Kāhui
- **Partnership** – We will emphasise that the authentic partnerships between Te Kāhui, Māori and those impacted by Te Kāhui functions, are critical to the achievement of better outcomes in the justice sector
- **Respect and recognition** – We will understand the historical, structural and relational factors that underpin current experiences and outcomes for people affected by the criminal justice system
- **Efficiency and effectiveness** – We will perform Te Kāhui's functions in a thorough manner and without undue cost.

What does Te Kāhui Tātari Ture do?

The primary function of Te Kāhui Tātari Ture is to investigate and review convictions and sentences and decide whether to refer them to an appeal court.

The purpose of this function is to:

- Improve the independence, timeliness, quality and fairness of investigations into miscarriages of justice in New Zealand
- Review suspected miscarriages of justice and refer cases back to the appeal courts if it is in the interests of justice to do so
- Enhance public confidence in the justice system through the delivery of its primary function. It will do this by:
 - » Serving the interests of justice
 - » Maintaining independence
 - » Resolving cases in a timely manner
 - » Providing transparency over its processes and appropriately managing the expectations of the people involved
 - » Increasing the level of participation from Māori and Pacific people

A secondary function is that we promote, by way of education and discussion, our primary function as outlined above.

Te Kāhui also has the power to initiate and conduct inquiries into a general matter. This applies if, when performing our functions, we identify a practice, policy, procedure or other matter of a general nature that we consider may be related to cases involving a miscarriage of justice, or has the potential to give rise to such cases.



Te Tiriti o Waitangi obligations

Our legislation requires that any procedures developed by Te Kāhui Tātari Ture must be consistent with the principles of Te Tiriti o Waitangi.

Te Kāhui Tātari Ture is committed to being a good partner to address inequality and promote development. Te Kāhui Tātari Ture is committed to being a member of a better, more inclusive public service.

Building capability to better support the Māori-Crown relationship has been identified by Māori, the government and the public service as a critical area of development for the public service.

We are committed to living up to the name that Waikato-Tainui gifted us - Te Kāhui Tātari Ture. To be successful we have ensured that cultural competency is being built through the organisation.

That is:

- Commissioners with expertise in tikanga and te ao Māori
- Chief Executive and Manager Engagement and Communications have expertise in te ao Māori and te reo Māori
- Kaumātua from Waikato-Tainui
- Māori and Pacific language translations for application forms
- A growing partnership with Waikato-Tainui including property, translation services, recruitment, cultural support and training.

Over the next year Te Kāhui Tātari Ture will investigate a te ao Māori reference group, language and tikanga training for all staff and availability of translation services.





Strategic priorities

Managing our caseload

Our top priority and the focus for all Commissioners and staff is to ensure that all applications to Te Kāhui Tātari Ture are treated independently, fairly and efficiently. We will unashamedly prioritise this work. It is expected in this three-year period that the first referrals will be made to the appeal court.

Finishing establishment

A top priority at the outset of the three-year period covered by this Statement was completing the establishment project in time for the 1 July 2020 launch of Te Kāhui. This was achieved under time pressure, and the disruption caused by the response to the Covid-19 pandemic. Decisions on elements such as our structure, governance, operating model, functions, systems and visual identity were finalised with remarkable efficiency.

Attracting and welcoming top people

Staff recruitment has been accorded urgency in the first quarter. The team being assembled will be straight into the hard mahi of investigation in excess of 43 applications. We are expecting this number to continue growing steadily and expect that some of our investigative work will be outsourced.

Outreach and education

We are prioritising the design and implementation of our outreach programme. Using education and discussion to promote our primary function of investigating and reviewing convictions and sentences is an essential component of our work. This will be the focus of the second quarter.

Partnering

Te Kāhui is establishing memoranda of understanding and partnership arrangements that will bring outside perspectives to our work, build knowledge and ensure that we are respectful and collaborative in the way in which we operate.

Our relationship with Waikato-Tainui is one that we value and aim to grow and nurture. We are committed to living up to the name that the Iwi gifted us - Te Kāhui Tātari Ture. We are grateful for the manaakitanga Waikato-Tainui has extended us.

We have agreed a partnership with the University of Waikato, which will see us working alongside Te Piringa - Faculty of Law. In our first year we will offer two work-integrated learning programmes which will run for a minimum of 150 hours over at least six weeks.

Health, safety and wellbeing

Health, safety and wellbeing is of critical importance to Te Kāhui Tātari Ture. For our staff, contractors, visitors, applicants, victims of the crimes leading to the convictions and sentences that we review and for our Commissioners. A key focus in year one is ensuring we have an appropriate safety and wellbeing system in place.

Te Kāhui Tātari Ture strategic framework

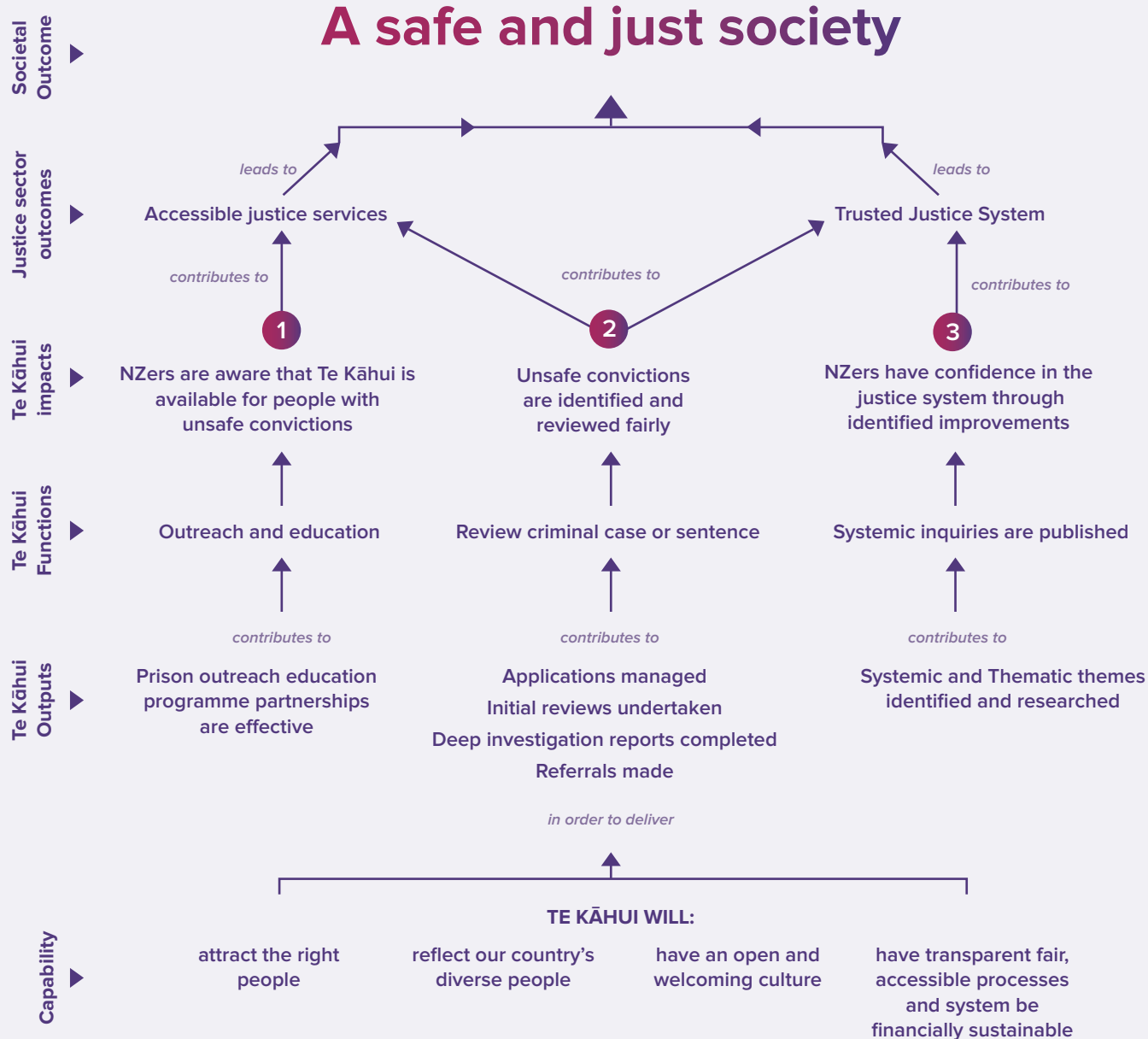
What we are seeking to achieve

To support the Government's priority of improving the well-being of all New Zealanders and their families across a range of portfolio areas, including justice, we have identified long-term outcomes for Te Kāhui.

They are:

- modern justice services that contribute to a safe and just New Zealand
- improved access for anyone who believes they have suffered a miscarriage of justice in a New Zealand court
- increased public trust and confidence in the justice sector
- a diminished sense of alienation from, and dissatisfaction with, the criminal justice system
- improved justice outcomes for Māori and Pacific people.





Outcome 1 – New Zealanders are aware that Te Kāhui is available for those with unsafe convictions

We are a new organisation in the New Zealand justice system. We want to ensure that the people that need to know about our services are aware and can access both information on how to apply. This year we will develop our outreach strategy and action plan. This will help us to target those that may have had an unsafe conviction, their families, their advocates or representatives.

Te Kāhui will work hard to ensure that the information that is required to undertake the investigations is available without barriers. We will do this by building relationships with the institutions that hold the information required for the investigation. By the end of 20/21 we expect to have Memorandum of Interest with all organisations/institutions that hold files pertinent to miscarriages of justice.

Outcome 2 – Unsafe convictions are identified and reviewed fairly

Te Kāhui Tātari Ture aims to be open, transparent, accessible and independent in all its mahi. This year we will publish all our procedures on our website, and launch an outreach programme to those with unsafe convictions.

Outcome 3 – New Zealanders have confidence in the justice system through identified improvements

Te Kāhui has discretionary power to undertake systematic reviews in areas that are re-occurring themes in our review function. As this is the first year of operations Te Kāhui Tātari Ture will focus on the reviews and design, with partners, how in future years it will undertake the systematic reviews.

Supporting our performance

At Te Kāhui the quality of our people will be critical to our success. We employ people who are skilled, dedicated, conscientious and culturally aware. We put a premium on research and analytical skills, and the ability to demonstrate sensitivity.

Our people are expected to embrace the principles that guide our work and the way in which we manage relationships.

These principles include manaakitanga, ensuring that we protect and enhance the mana of all in the way we work. They include whanaungatanga, ensuring that we involve applicants' families and support networks, and which recognises that the issues we deal with can have far-reaching and inter-generational impacts.

Reports

We provide the following documents as part of our monitoring reporting and accountability arrangements:

- Annual Report, as per the Crown Entities Act 2004 requirements
- The Statement of Intent, as per the Crown Entities Act 2004 requirements
- The Statement of Performance Expectations, containing the annual forecast of performance and financial information as required by the 2013 amendments to the Crown Entities Act 2004
- Report to the responsible Minister three times per year

Governance and management

Board members



Chief Commissioner – Colin Carruthers QC

Colin Carruthers QC is one of New Zealand's most experienced barristers and has an extensive legal repertoire. He has led many high-profile defence and prosecution cases throughout his career. He was appointed Queen's Counsel in 1990 and was awarded the New Zealand 1990 Commemorative Medal for services to New Zealand.

As Chief Commissioner he chairs the CCRC Board and leads the implementation of the Criminal Cases Review Commission Act 2019.



Deputy Chief Commissioner – Paula Rose

Paula Rose QSO OStJ has investigation experience, is a current member of the Parole Board, and had an extensive career at New Zealand Police, including as National Manager Road Policing. Ms Rose is Commissioner for the Transport Accident Investigation Commission, member of the Broadcasting Standards Authority, Deputy Chair of Worksafe New Zealand and director of several non-governmental organisations including St John South Island Regional Trust Board.

As Deputy Chief Commissioner she chairs the CCRC Risk and Assurance committee.

Commissioners



Nigel Hampton CNZM OBE QC is a lawyer who has worked in New Zealand and on the international stage, including the Pacific. Mr Hampton has been a QC since 1989. He was Chief Justice of the Kingdom of Tonga, was the first Disciplinary Commissioner of Counsel in the International Criminal Court and presently is Presiding Member of the Disciplinary Board for the International Criminal Court counsel. His experience in the criminal justice sector includes academic writing on advocacy and criminal law, including in Adams on Criminal Law. He is also an instructor on litigation skills, including in New Zealand, Tonga and Samoa.



Dr Virginia Hope MNZM, is a pre-eminent health scientist who has worked in universities and research institutes. She is currently Medical Director Health Group at Environmental and Science and Research. Dr Hope has management and governance experience. She was made a Member of the New Zealand Order of Merit in June 2014 for services to health.



Professor Tracey McIntosh MNZM (Ngāi Tūhoe) is a Professor of Indigenous Studies and Co-Head of Te Wānanga o Waipapa at the University of Auckland. Dr McIntosh is also currently the Chief Science Advisor for the Ministry of Social Development. She has a strong interest in the interface between research and policy and ensuring that processes are responsive to, and inclusive of, tikanga and mātauranga Māori.



Kingi Snelgar is a criminal defence lawyer and youth advocate based in Manukau. He has whakapapa to Ngāpuhi, Ngāti Whakaue, Te Whakatōhea and Ngāi Tahu. He is an academic with knowledge and understanding of tikanga Māori and te ao Māori. Mr Snelgar is also a counsel to assist the Royal Commission into Abuse in State Care. Before working as a barrister, he worked at Meredith Connell specialising in criminal prosecution. Mr Snelgar has also been a human rights observer at Standing Rock, USA. He has completed a Masters of Law at Harvard Law School as a Fulbright Scholar.



Tangi Utikere JP is the Deputy Mayor of Palmerston North and a leader in his community. His experience in the criminal justice sector comes from his work as a Judicial Justice of the Peace and as a Visiting Justice. He is also a Panellist and Appeals Tribunal Member for the Judicial Control Authority for Racing, Commissioner for Resource Management Act Hearings and a member of the New Zealand Teachers Disciplinary Tribunal. *Mr Utikere is currently taking a leave of absence from Te Kāhui as he is standing as a candidate in the general election.*

Chief Executive



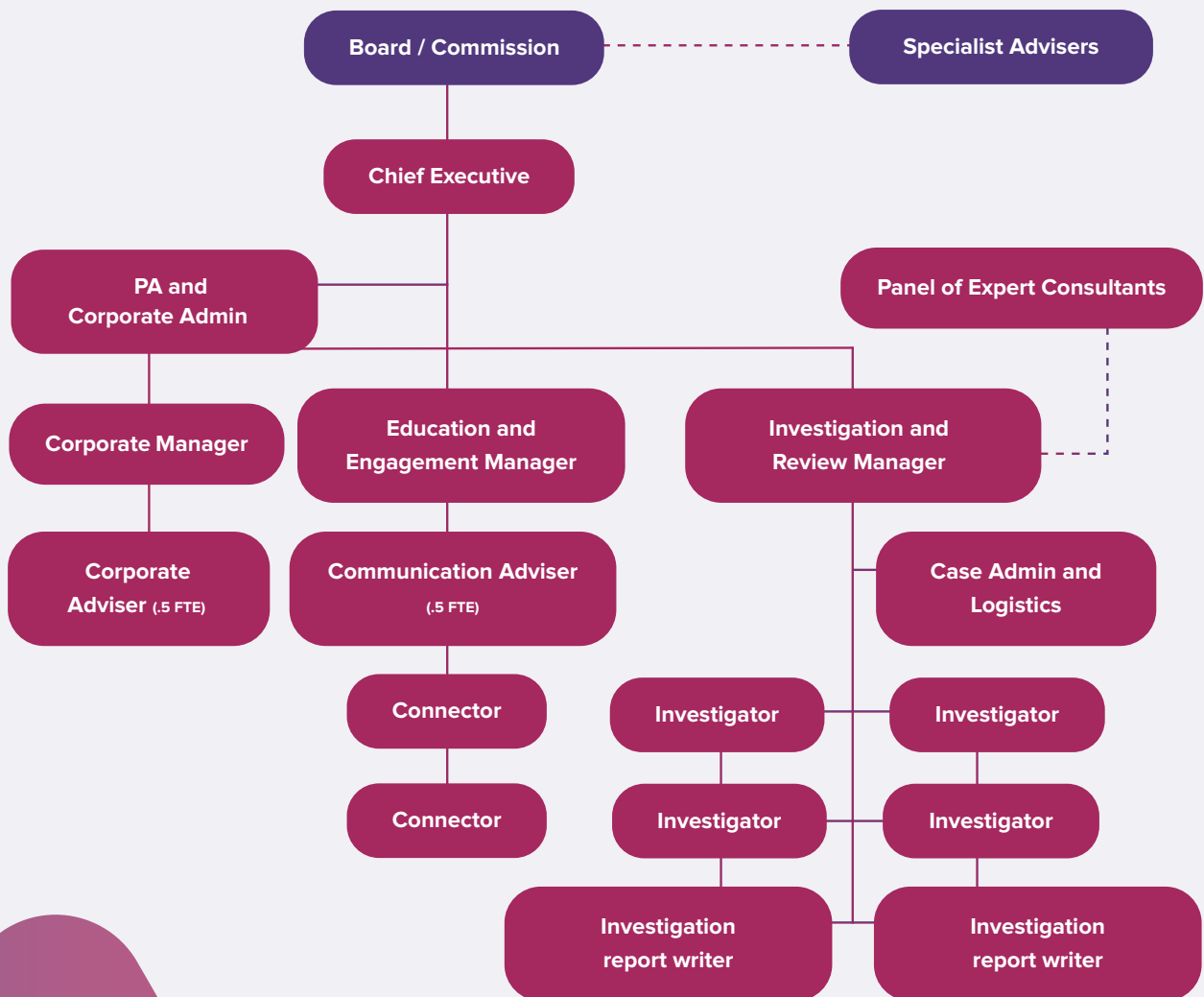
Parekawhia McLean has been appointed as the Chief Executive (from early November 2020). She has over 20 years of public policy and public sector management experience including almost seven years as a Director and Consultant of her own company Mauriora-ki-te-Ao/Living Universe Ltd (MKTA) - a company dedicated to advancing the creative potential of Māori knowledge, people and resources.

Ms McLean was previously Director of Strategy and Infrastructure at Counties Manukau DHB. Previously she has been a regional director for NZTA and Chief Executive of Waikato-Tainui.

Ms McLean holds a number of governance roles including Chair, Te Whakakitenga o Waikato. She also has (or has had) roles with Waikato Regional Economic Development Group, Global Women's Forum, Strategic Advisory Panel to the National Institute of Water and Atmospheric Research Crown Research Institute, Te Māngai Pāho (Māori Broadcasting Funding Agency); and as Director of Mighty River Power and Deputy Chair, Te Wānanga o Aotearoa (Māori Tertiary Education Institute).

She has a Masters in Social Sciences from Waikato University and a Masters of Arts in Public Administration and Development Policy from the University of Wisconsin-USA.

Te Kāhui Tātari Ture Organisational structure



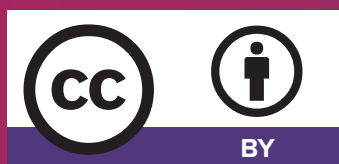
Justice Young strongly believes our criminal court process must remain as robust as possible, because it can make mistakes.

"I accept there are clear exonerations - as you know I regard Teina Pora as a clean exoneration."

Justice Young (Supreme Court Judge)

Disclaimer: While all care and diligence has been used in extracting, analysing and compiling this information, Te Kāhui Tātari Ture gives no warranty that the information provided is without error.

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