

Briefing to the Incoming Minister



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



Te Kāhui Tātari Ture

Criminal Cases Review Commission

Waikato-Tainui, the duly mandated tribal entity of Kirikiriroa | Hamilton , graciously bestowed Te Kāhui Tātari Ture upon the Criminal Cases Review Commission.

The lineage of Kāhui Tātari is deeply intertwined with the ancient Whare Wānanga, centres of profound learning, responsible for adapting procedures, processes, and mātauranga or knowledge, primarily under the guidance of a Tohunga Ahurewa, a High Priest.

In its literal interpretation, the full name Te Kāhui Tātari Ture breaks down as follows: 'Kāhui' signifies a group, 'Tātari' signifies review, and 'Ture' signifies the Western notion of law. It is an esteemed privilege for the Commission to bear the name Te Kāhui Tātari Ture, as it signifies a specific recognition of the Commission's purpose and role.

We acknowledge Rāhui Papa, Taki Turner, and Mahana Toka, who took the time to reflect on the core mission of Te Kāhui Tātari Ture' and our approach to collaborating with applicants and conferred the name to us.

This name symbolises our commitment to safeguarding and elevating the dignity of those who have experienced miscarriages of justice, including victims of the original crime. We know they have not received justice, and we recognise their loss and mana in this process. It is woven into our work's fabric and is an emblematic representation of our organisation's ethos.

He kōrero nā te Kaikōmihana | Chief Commissioner me te Kaikōmihana Tuarua | Deputy Chief Commissioner

Tuia te rangi e tū iho nei

Tuia te papa e takoto nei

Tuia te muka tāngata

Ka rongo te pō

Ka rongo te ao

Tuia te here tāngata kia puta ki te wheiao ki Te Ao Mārama

Tihei mauri ora!

E te Minita, ngā mihi nui ki a koe

We acknowledge and welcome your appointment as the Minister of Justice.

Context

Aotearoa New Zealand's justice system is founded upon a robust framework of rights of appeal and many procedural safeguards designed to prevent unjust convictions, sentences or both. Nonetheless, we recognise that, like any complex system, occasional miscarriages of justice do occur.

The establishment of Te Kāhui Tātari Ture | Criminal Cases Review Commission (Te Kāhui) is a significant addition to our nation's criminal justice landscape. It introduces a vital safety net to address long-standing concerns. There were compelling reasons behind creating a criminal cases review entity in Aotearoa New Zealand, rooted in apprehensions about the independence, timeliness, quality, costs, and equity of miscarriage of justice investigations.

Our primary function under the [Criminal Case Review Commission Act 2019](#) is to review and investigate convictions and sentences and decide whether there has been a miscarriage of justice. We have two 'discretionary' functions – to initiate and conduct inquiries into general matters related to cases involving a miscarriage of justice. The other is to educate and promote public awareness of our work.

Te Kāhui was established on 3 April 2020 and from 1 July 2020 began to accept applications and undertake our work. The name Te Kāhui Tātari Ture was gifted by Waikato-Tainui reflecting the Te Tiriti o Waitangi (Te Tiriti) partnership with Waikato-Tainui embodied in 1995 with the settlement of their historical land claim. On several levels, we maintain an excellent working relationship with Waikato-Tainui including in 2022, attending the koroneihana | annual coronation of Kiingi Tuheitia at Tūrangawaewae marae. We have forged similar relationships with Māori across the country.

We are one of four statutory organisations across the world dedicated to investigating miscarriages of justice. Our counterparts are in the United Kingdom, Scotland, and Norway. We have established relationships with each Commission, met with several international subject matter experts, and have fielded inquiries from Canada and Australia expressing interest in setting up a similar entity.

As an independent Crown entity, we are subject to the reporting requirements under the Crown Entities Act 2004, Public Finance Act 1989, and the Public Service Act 2020. We are monitored by the Ministry of Justice. We have built an open, transparent, and constructive working relationship with the Ministry.

Our office is in Kirikiriroa | Hamilton. This was a deliberate decision by Minister Little to maintain separation from political, legal, and policy influences in Wellington and to a lesser extent, Auckland. Our independence is critical to the integrity, credibility, and reputation of Te Kāhui.

At 31 October 2023, we have received 411 applications, have reviewed and completed 146 cases, and have 30 in the section 25 investigation phase of our case procedures. The Kaikōmihana | Commissioners have referred two cases back to an appeal court and have others in the pipeline for a decision in the near future.

In October, we activated a project to deal with a backlog of cases. There are 177 being reviewed as part of this project.

We learned in the first 15 months of our work that there was a high level of demand. Te Kāhui received a total of 221 applications from 1 July 2020 to 30 June 2021. This number is significantly greater than the officials' estimate of 125 applications that was forecast to be received in our first year.

In contrast, from 1995 to 1 July 2020, when the Criminal Cases Review Commission Act 2019 came into force, 173 applications for the Royal prerogative of mercy had been made with 19 resulting in a referral to the Appeal Court. Critics have long argued that the Royal prerogative of mercy system was difficult to access, given it usually required legal assistance to make an application. They also pointed to the fact that Ministry of Justice officials didn't reinvestigate cases, weren't truly independent, nor specialists in this area and the entire system lacked public confidence, including from victims.

Our approach to victims aligns with the Victims' Rights Act 2002. If Te Kāhui refers a case back to the relevant appeal court, section 12(f) of the Victims' Rights Act 2002 defines that as a 'proceeding'. Actions in accordance with s12 VRA (12 (1)(a-e)) would be initiated and managed by Police, and they would therefore be responsible for informing the victim in the original matter and keep them updated on any appeal including the outcome. We are very mindful of the impact our work can have on victims and their whānau. We proactively take into account their needs, concerns and wellbeing.

Operating Model

Te Kāhui is a front-line service operator with investigation and review, and legal groups supported by a small corporate team, and a board of seven Kaikōmihana | Commissioners. Currently, we employ 23 employees with specialist skillsets in investigation, legal review, engagement, and corporate and governance support. Given the complexity and varied nature of the cases received it is not financially prudent, nor viable, to employ every skill set that may be required to investigate, analyse or provide specialist advice on every case, across our small team. Therefore, we engage external specialist advisory (including investigation and legal support) to enable us to deliver upon our primary function.

To reduce our corporate expenditure, we outsource some of our corporate responsibilities. This has proven to be an efficient and effective approach for an entity of our size, enabling us to reduce our overall corporate FTE and expenditure while building internal capability with the resource we do employ.

Through Budget 2023, we received an increase in our annual appropriation from **\$3.987** million to **\$5.191** million to support the investigation and review of miscarriages of justice and address cost pressures. While this increase in funding will strategically support us, financial pressure on the organisation remains.

In our Statement of Performance Expectations 2023/2024 we signalled our intention to use reserves in this financial year to support our mahi.

We have a diverse range of partnerships which we have proactively fostered across the justice system including with

- Ministry of Justice
- NZ Police
- Department of Corrections
- Crown Law Office
- Serious Fraud Office
- Independent Police Conduct Authority
- Law Commission
- NZ Parole Board
- Legal Services Commissioner
- Chief Justice
- President of the Court of Appeal
- Chief High Court Judge
- Chief District Court Judge
- Criminal Bar Association
- NZ Bar Association
- Te Hunga Roia Māori | Māori Law Society.

Similarly, we have forged relationships with the University of Waikato, Iwi, urban and pan Māori organisations, Pacific groups, Community Law Centres and many others.

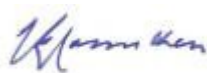
In recent times, our views and support have been sought including from the Law Commission as part of the Evidence Act review process, and the Criminal Bar Association. As a member of the Independent Crown Entities (ICEs) Forum, we have contributed to discussions on a range of subjects and shared corporate policies and information with other Crown entities. Our Tumu Whakarae | Chief Executive Parekawhia McLean jointly chairs the Independent Crown Entities Forum.

We are committed to being recognised for our unwavering respect for all individuals we engage with, adapting to the diverse cultural backgrounds of applicants, their whānau, and extended family groups.

Those who may have experienced a miscarriage of justice must be treated equitably and compassionately, with due recognition of the interests of victims of crime as well. In our view, miscarriages of justice do not serve the justice system. They lead to a reduction in trust and confidence in the system, there are significant social and economic costs upon the lives, and livelihoods of those directly impacted by a miscarriage of justice, their whānau, the wider community and especially victims where the perpetrator is not held accountable.

We are available to meet with you to discuss your priorities and expectations for Te Kāhui in your first 100 days and beyond. We can provide additional information or advice at your request.

Nā māua iti noa, nā



Colin Carruthers, KC
Kaikōmihana Matua | Chief Commissioner
28 November 2023



Paula Rose, QSO
Kaikōmihana Matua Tuarua | Deputy Chief Commissioner
28 November 2023

Application statistics

1 to 31 October 2023

Total Applications

411

Average received (monthly)

10



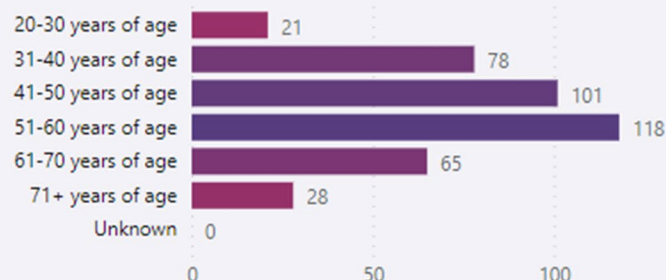
Te Kāhui
Tātari Ture
Criminal Cases Review Commission

Report Month

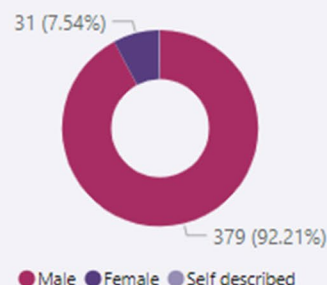
Latest Month



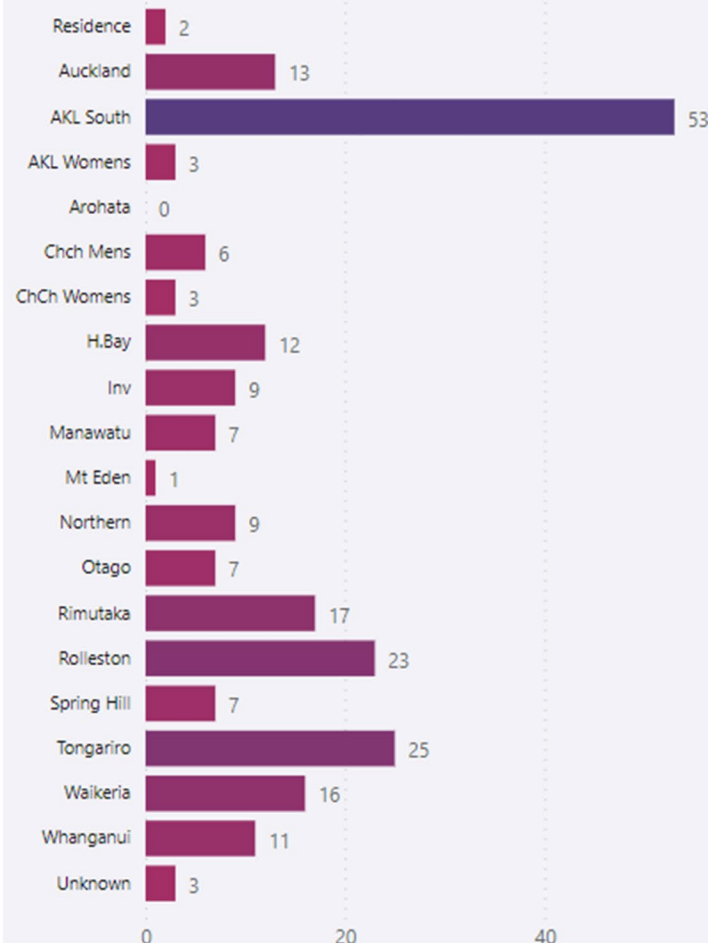
Age at time of application



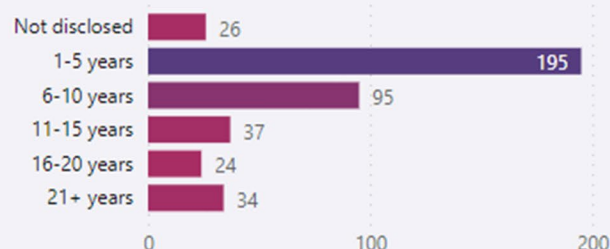
Gender



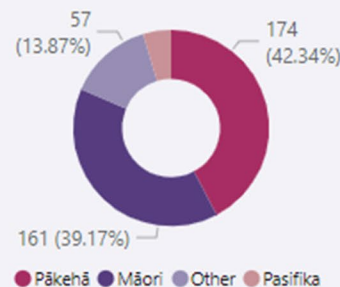
In Prison



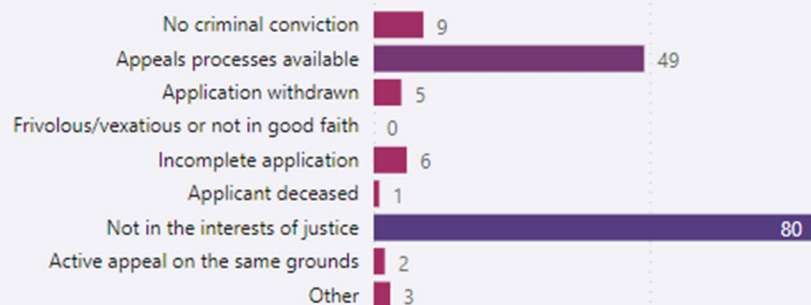
Case Age



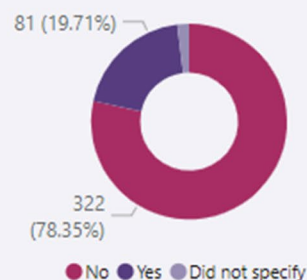
Ethnic group



Statement of Reason



Convicted with others



Minita Haepapa | Responsible Minister

The Minister of Justice is the government minister responsible for Te Kāhui.

We expect to engage with our Minister regularly each year. Our annual engagement with the Minister will include:

- Keeping the Minister informed on our activities for the purposes of financial security and ensuring outputs are delivered.
- Providing the Minister with quarterly performance reports covering key results and performance highlights, emerging issues, and significant performance variances or risks; an audited annual report for each financial year.
- The Minister informs Te Kāhui Board of the Government's expectations for the coming year through a letter of expectations and providing feedback on the Statement of Performance Expectations.
- Informing the Minister, as appropriate, on any issues that may result in significant media, public, or parliamentary attention. Te Kāhui will also work constructively with the Ministry of Justice as the Minister's Monitoring Agency.

Ngā Pūrongo | Reports

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

- Annual Report, required by the Crown Entities Act 2004
- The Statement of Intent, required by the Crown Entities Act 2004
- 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
- Quarterly report to the responsible Minister three times per year.

Ko Wai Mātou | Ko Te Kāhui Tātari Ture

Te Kāhui was launched on 1 July 2020 to review and investigate criminal convictions and sentences in Aotearoa New Zealand and decide whether to refer them to an appeal court.

It is an independent Crown entity for the Crown Entities Act 2004 purposes. This Briefing to the Incoming Minister (BIM) has been prepared to meet the requirements of that Act and the Crown Entities Amendment Act 2013.

This BIM describes the responsibilities of Te Kāhui within the Justice portfolio. It will set out briefly the aims of the Criminal Cases Review Commission Act 2019, the governance membership, and the terms of office for which the Minister is responsible.

Te Whāinga Matua | Our Main Aim

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

The primary mandate of Te Kāhui is to undertake a comprehensive review of potential miscarriages of justice and subsequently refer suitable cases back to an appellate court for reconsideration. In Aotearoa New Zealand, any living individual convicted of a criminal offence who believes they have been wrongly convicted or sentenced can seek an independent review of their conviction, sentence, or both by Te Kāhui.

Established under the Criminal Cases Review Commission Act 2019, Te Kāhui officially reviewed applications on 1 July 2020. Notably, our location in Kirikiriroa | Hamilton was a deliberate choice, signifying our independence from the conventional governmental and judicial centres of Aotearoa New Zealand.

The governance of our work is overseen by a Board of Kaikōmihana | Commissioners, comprising a Kaikōmihana Matua | Chief Commissioner, a Kaikōmihana Matua Tuarua | Deputy Chief Commissioner, and five Kaikōmihana | Commissioners. As of 30 June 2023, we have seven Kaikōmihana, including our Kaikōmihana Matua and Kaikōmihana Tuarua.

Our investigations into potential miscarriages of justice are characterised by a rigorous and thorough approach aimed at minimising the risk of errors and preserving the confidence of Aotearoa New Zealanders in the criminal justice system.

Our case procedures and processes have been meticulously designed to ensure that each application is treated independently, fairly, and efficiently. Te Kāhui has encountered a higher volume of applications than initially anticipated, and many of these cases are more complex than expected. Consequently, we estimate that some more intricate applications may require up to three years for thorough examination. Factors contributing to this extended timeframe include the elapsed time since conviction, the complexity of legal matters, the availability of records from other justice partners, and other pertinent variables.

Our initial policy assumptions projected approximately 125 applications within the first year, with the first referral to an appeal court expected to occur after three years of operation. Te Kāhui has made two referrals despite the higher-than-expected demand and complexity of cases received.

Distinguished as the sole jurisdiction in the world with an outreach and education function embedded in our Act, we remain steadfast in fulfilling our legislative obligations and upholding our responsibilities under Te Tiriti. Given the existing disparities and inequities within the Aotearoa New Zealand criminal justice sector, our outreach and engagement function is pivotal to addressing these issues. It is underpinned by targeted initiatives designed to raise awareness of Te Kāhui's services among those who are most vulnerable to the impact of wrongful convictions.

Moreover, the Commission has the authority to identify practices, policies, procedures, or other matters that may potentially give rise to miscarriages of justice. Under section 12 of the Criminal Cases Review Commission Act 2019, we can conduct inquiries when deemed to be in the public interest. Several potential Section 12 issues have been identified, and efforts are underway to develop at least one formal Section 12 inquiry in 2023.

Te Kāhui has formally adopted Ngā Uara | Values and a Tikanga Matatika | Code of Ethics as pou | pillars to guide our work. These principles are complemented by our commitment to upholding the principles of Te Tiriti.

Ngā Uara | Our Values

We embrace these principles and values.

- **Manaakitanga:** we care for and acknowledge the equal mana of all.
- **Aroha:** we are respectful and compassionate.
- **Kaitiakitanga:** we are stewards and consciously aware of the inter-generational consequences and impacts of our advice, actions, and decisions.
- **Te Tika me Te Pono:** we are committed to doing the right thing with transparency, honesty, and integrity.
- **Kotahitanga:** we work collectively and are united in our shared purpose to operate as an independent body to investigate and review criminal convictions or sentences, or both, and decide whether there has been a wrongful conviction.
- **Hiranga:** we consistently strive for excellence and leadership within our sector.

We will enable this by:

- consistently applying a partnership approach to everything we do;
- influencing and supporting the justice sector for all New Zealanders;
- ensuring we draw on the lived experiences of those who we work with; and
- through our work, help to reduce the number of Māori within the justice system.

Ngā Tikanga Matatika | Our Code of Ethics

In May 2021, as part of the governance work undertaken, a Kawenata | Charter was created that describes how Ngā Kaikōmihana | Commissioners will work and ensure an ethical approach to investigating criminal convictions and sentences where there is a claimed miscarriage of justice.

Ngā Kaikōmihana | Commissioners have committed:

- not to contravene, or cause or agree to Te Kāhui contravention of the Crown Entities Act 2004 or Criminal Cases Review Commission Act 2019;
- to exercise the powers and discretions conferred upon them in good faith and honestly in the interests of, and for the benefit of Te Kāhui;
- not to delegate decisions or act under a third party's direction, except as permitted by law;
- not to act for their own benefit or for the benefit of any third party;
- not to disclose information or make use of it, except when required for Te Kāhui to perform its functions and as permitted by law;
- not to promote personal interests by making or pursuing a gain in circumstances in which there is a conflict (i.e., real, potential, or perceived) between the Board Member's personal interests and those of Te Kāhui;
- to ensure proper use of Te Kāhui resources and that any expenditure is not wasteful, excessive, or inappropriate for a Crown entity;
- not to receive undisclosed gifts and
- not to work for Te Kāhui in any professional capacity (e.g., be a paid consultant), in addition to their Board Member role. This restriction is noted in the Cabinet Fees Framework for Crown Entity Board Members and the Minister's Letter of Appointment.

Te Kāhui Board Members will ensure they exhibit the highest standards of ethical and professional behaviours required to undertake their Board role effectively.

These behaviours include (but are not limited to):

Strategic perspective. Board Members need to be able to think conceptually and see the 'big picture'. They should focus, as much as possible, on strategic goals and overall progress in achieving those, rather than on operational detail.

Integrity. Board Members must demonstrate the highest ethical standards and integrity in their personal and professional dealings. They should also challenge and report unethical behaviour by other Board Members.

Independent judgement. Board Members need to bring to the Board objectivity and independent judgement based on sound thought and knowledge. They need to make up their own mind rather than follow the consensus.

Financial literacy. Boards monitor financial performance and thus all Board Members must be financially literate. They should not rely on other Board Members who have financial qualifications and should undertake training to improve their own financial skills where necessary.

Courage. Board Members must be prepared to ask tough questions and be willing to risk rapport with fellow Board Members to take a reasoned, independent position.

Respect. Board Members should engage constructively with fellow Board Members, entity management, and others, in a way that respects and gives a fair hearing to their opinions. To foster teamwork and engender trust, Board Members should be willing to reconsider or change their positions after hearing the reasoned viewpoints of others.

Collective responsibility. Board Members must be willing to act on, and remain collectively accountable for, all decisions even if individual Board Members disagree with them. Board Members must be committed to speaking with one voice once decisions are taken on entity strategy and direction.

Participation. Board Members are expected to be fully prepared, punctual, and regularly attend for the full extent of Board meetings. Board Members are expected to enhance the quality of deliberations by actively asking questions and offering comments that add value to the discussion.

Cultural competency. Board Members will seek to use Te Reo Māori on all forms of communication, particularly statutory accountability documents. They will uphold the values drawn from Te Ao Māori in policies, procedures, and reporting documents. Board Members will have a level of awareness, understanding, and ability to apply tikanga Māori in appropriate settings.

Ngā Takohanga a Te Tiriti | Treaty of Waitangi obligations

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

Te Kāhui is committed to being a good partner to address inequality, promote development, and ensure 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.

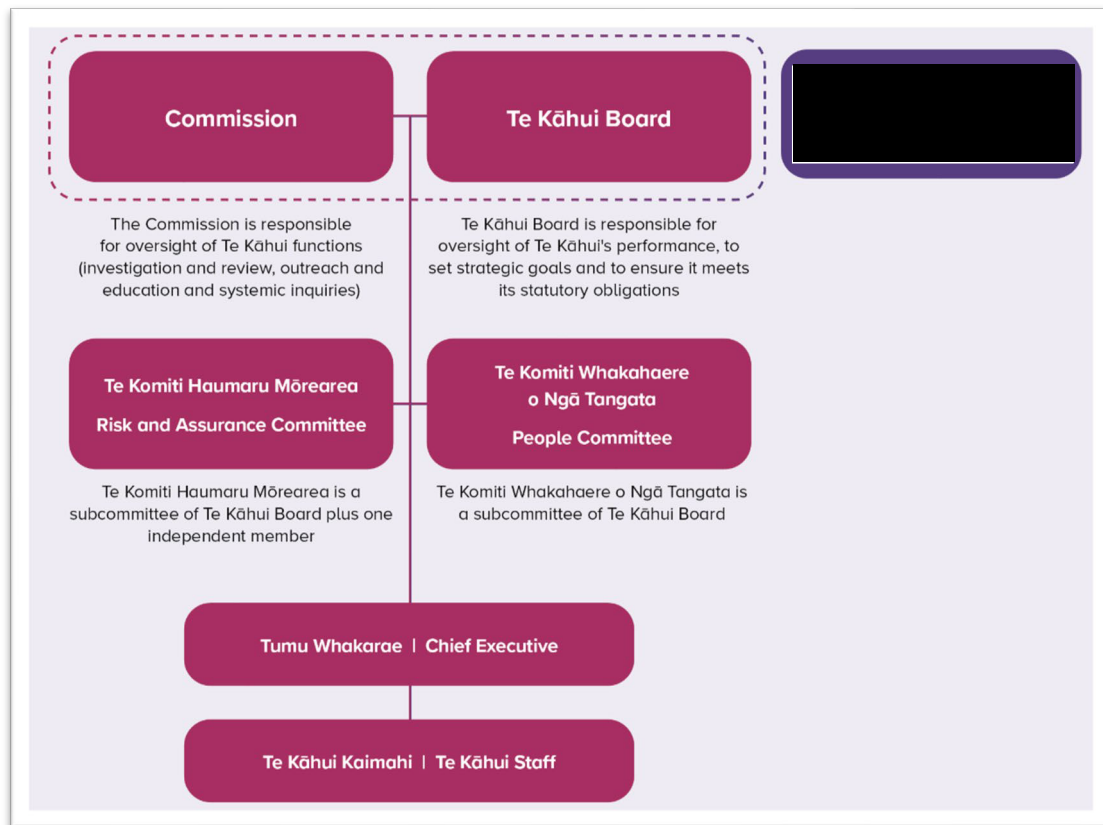
To demonstrate this commitment:

- Te Kāhui is committed to being a good partner to address inequality and promote development successfully. We are committed to being a member of a better, more inclusive public service. Our Act requires that our operating procedures follow Te Tiriti (section 15).
- 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.

- Te Kāhui has specific obligations to improve services and outcomes for Māori and strengthen the Crown's relationship with Māori. Te Kāhui continues to achieve this by addressing inequity, developing and maintaining our cultural capability to engage with Māori, and giving tangible effect to Māori perspectives. This has included incorporating tikanga Māori in our policies, practices, and procedures, each contributing to positive outcomes for Māori in the criminal justice system.
- We are committed to living up to the name Waikato-Tainui gifted us: Te Kāhui Tātari Ture.
 - Maintaining relationships with kaumātua from Waikato-Tainui (mana whenua).
 - Ngā Kaikōmihana | Commissioners with expertise in tikanga and te ao Māori.
 - Our Tumu Whakarae | Chief Executive has expertise in te ao Māori and te reo Māori.
 - [REDACTED]
 - [REDACTED]
 - A growing partnership with Waikato Tainui, including property, translation services, recruitment, cultural support, and training.
 - Development of a tikanga policy and kawa guidelines for Te Kāhui.
 - Completion of a Māori Language Plan and incorporation of te reo Māori in our policies, documents, and everyday mahi.
 - Continued engagement with mana whenua from across the motu through our outreach and education mahi.
 - Māori and Pacific language translations for all application forms and resources. Internal capability to conduct interviews in Māori.
 - We engage deeply and respectfully on matters that likely have caused considerable suffering and distress to applicants, their whānau, and their families.

Ngā Kaikōmihana | Commissioners

Te Kāhui currently has seven Kaikōmihana | Commissioners.



Ngā Kaikōmihana | Commissioners undertake a dual governance role:

- The Commission's role to deliver on its functions as set out in the Criminal Cases Review Commission Act 2019.
- The Board's role is to deliver a sustainable organisation as a Crown entity as per the Crown Entities Act 2004 and other relevant acts, such as the Health and Safety at Work Act 2015.

The Kaikōmihana | Commissioners of Te Kāhui have a range of skills and experience, including experience in community and corporate governance, legal expertise, academia, and in the public sector.

The Criminal Cases Review Commission Act 2019 stipulates that at least one Kaikōmihana | Commissioner 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. Our Kaikōmihana | Commissioners meet this requirement of the Act.

Risk and Assurance Committee

Te Kāhui has a Risk and Assurance Committee of three Kaikōmihana | Commissioners and one external member. The Risk and Assurance Committee meets quarterly and reports to the Te Kāhui Board.

People Committee

Te Kāhui has a Risk and Assurance Committee of three Kaikōmihana | Commissioners. The Risk and Assurance Committee meets quarterly and reports to the Te Kāhui Board.

Ngā Kaikōmihana me Te Tumu Whakarae | Commissioners and Chief Executive

Ngā Kaikōmihana o Te Kāhui | Board members

Kaikōmihana Matua | Chief Commissioner – Colin Carruthers KC



Colin Carruthers KC 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, which began after he completed a Bachelor of Laws (with Honours) at the University of Auckland. He has substantial experience in commercial litigation, particularly in cases concerning directors' and auditors' responsibilities. He has also had considerable experience in criminal work, both prosecution and defence, including Serious Fraud Office, securities, and tax prosecutions. Mr Carruthers has worked with those who have had unsafe convictions and has a deep understanding of adversarial reviews and court procedures through his criminal defence work.

He was appointed King's Counsel in 1990 and was awarded the New Zealand 1990 Commemorative Medal for services to New Zealand.

As Chief Commissioner, he chairs the Board of Te Kāhui and leads the implementation of the Criminal Cases Review Commission Act 2019. He led the development of key operational policies, such as the investigative process and how applications are made and handled. He leads engagement with key stakeholders from the political, judicial and other spheres, including victims' rights organisations and is responsible for the relationship with the Te Kāhui monitoring agency, the Ministry of Justice. **Colin is in the role for a term of 4 years from 15 June 2020.**

Kaikōmihana Matua Tuarua | Deputy Chief Commissioner



Paula Rose QSO OSTJ has investigation experience, is a former member of the NZ Parole Board and has worked in range of governance roles. Ms Rose's experience in criminal justice comes from her work with NZ Police, including as National Manager of Road Policing. Ms Rose is a very experienced crown governor. She is a Commissioner on the Transport Accident Investigation Commission, and a member of the Electricity

Authority. Previous governance roles include organisations such as WorkSafe NZ and the Broadcasting Standards Association. . Ms Rose is a Hato Hone St John volunteer and is currently a member of the Priory Board.

As Deputy Chief Commissioner, she chairs Te Kāhui's Risk and Assurance Committee. **Paula is in the role for a term of 5 years from 15 June 2020.**

Ngā Kaikōmihana | Commissioners



Nigel Hampton CNZM OBE KC is a criminal trial and appeal lawyer who has worked in New Zealand and on the international stage, including the Pacific. Mr Hampton has been a King's Counsel since 1989. He was the Chief Justice of the Kingdom of Tonga, was the first Disciplinary Commissioner of Counsel in the International Criminal Court and has completed his mandate as 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, and as an advocate for needed systemic reforms. He is also an instructor on litigation skills including in New Zealand, Tonga, and Samoa. **Nigel is in the role for 3 years from 15 June 2020.**



Dr Virginia Hope MNZM CFInstD, scientist, researcher, and medical specialist in both public health medicine and medical administration. She has worked in local, regional, and national regulatory, public health and science settings and across government, Crown Research Institutes, and academia. She is currently part-time Medical Director for the Institute of Environmental Science and Research and Chief Medical Officer for New Zealand Food Safety. Dr Hope has significant experience as a Crown governor, having been a Chair of the former District Health Boards for Capital and Coast and the Hutt Valley 2010-2016 and appointed to diverse Crown boards ministerial and advisory committees. She has served on the boards of professional organisations and is currently a member of the board of Taumata Arowai and the Hastings Health Centre. **Virginia is in the role for 3 years from 15 June 2020.**



Professor Tracey McIntosh MNZM (Ngāi Tūhoe) is a Professor of Indigenous Studies at Te Wānanga o Waipapa (School of Māori Studies and Pacific Studies) 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. Her expertise in the criminal justice system has been centred on extensive research on the experience of Māori and Indigenous people with the criminal justice system, with a particular focus on incarceration. Prof McIntosh's research focuses on social harm reduction, increasing collective wellbeing and disrupting the intergenerational transmission of social inequalities. **Tracey is in the role for a term of 4 years from 15 June 2020.**



Kingi Snelgar is a lawyer based in Tāmaki Makaurau. He has whakapapa to Ngāpuhi, Ngāti Whakaue, Te Whakatōhea and Ngāi Tahu. He has experience working in the justice system as a prosecutor, defence lawyer and youth advocate. He has training that is contemporary and relevant to the Te Kāhui's work. Mr Snelgar is also an academic with understanding of tikanga Māori and te ao Māori. Before working as a

barrister, he worked at Meredith Connell, specialising in criminal prosecution, was a human rights observer at Standing Rock and was also a judge's clerk at the Oglala Sioux Tribal Court in the USA. He has completed a Masters of Law at Harvard Law School as a Fulbright Scholar. **Kingi is in the role for a term of 5 years from 15 June 2020.**



Associate Professor Tamasailau Suaalii-Sauni (Sāmoan, Tongan) teaches Sociology and Criminology in the School of Social Sciences at the University of Auckland. Dr Suaalii-Sauni is a social scientist with legal training and has held several community board and government advisory governance roles. She was an inaugural board member of Goshen Mental Health Trust Services in Sāmoa, and, in more recent years, was

on the Auckland Central Police District Commander's Pacific advisory board and the NZ Royal Commission of Inquiry into Abuse in Care's inaugural research ethics advisory panel. Her expertise in the criminal justice system centres on developing Pacific indigenous jurisprudential theories and conducting Pacific indigenous criminological research. Her research portfolio has also focused on models for addressing social inequalities and inequities affecting Pacific peoples and the development of Pacific research tools and Pacific peoples research capacity and capability in Aotearoa New Zealand. **Tamasailau is in the role for a term of 4 years from 12 May 2021.**

Tumu Whakarae | Chief Executive



Parekawhia McLean (Ngāti Mahanga-Hourua, Waikato, Ngāti Maniapoto) is the inaugural Tumu Whakarae | Chief Executive of Te Kāhui.

She has previously held executive roles at the Counties Manukau District Health Board as the Director of Strategy and Infrastructure, Regional Director for Waka Kotahi | NZ Transport Agency, and Chief Executive of Waikato-Tainui.

Parekawhia spent almost six years as a strategic advisor working in the Department of Prime Minister and Cabinet alongside three Prime Ministers. One of her major achievements as a government official was the setting up of the Māori Television Service – where she was the lead Crown advisor at the time of its establishment.

She has a Master in Social Science degree from Waikato University and a Master of Arts in Public Administration and Development Policy from the University of Wisconsin, USA. She is a Distinguished Alumni of Waikato University.

Te Aronga Rautaki | Strategic Framework

Aotearoa New Zealand's justice system is underpinned by a robust framework of established rights of appeal and various procedural safeguards designed to prevent unjust convictions. However, as is inherent in any complex system, occasional miscarriages of justice occur due to human fallibility.

Te Kāhui plays a crucial role as an additional safeguard, addressing concerns that may arise among New Zealanders regarding the independence, timeliness, quality, and fairness of investigations into miscarriages of justice and the handling of unsafe convictions.

The core mission of Te Kāhui is to identify cases where an applicant's conviction or sentence, or both, raises the possibility of a miscarriage of justice that merits consideration by an appellate court, all in the pursuit of justice.

Te Kāhui's services must be delivered in an accessible, effective, timely, and equitable manner, focusing on improving justice outcomes, especially for Māori and Pacific communities nationwide. Te Kāhui is steadfastly committed to the interests of justice when reviewing and investigating convictions and sentences, determining whether to refer them back to an appeal court.

Te Kāhui's strategic role and purpose align seamlessly with the Government's vision of delivering justice services centred on people and contributing to a safe and just Aotearoa New Zealand.

Our track record includes establishing a reputation for delivering fair and rigorously researched decisions achieved through coherent frameworks and procedures. In 2022/23, Te Kāhui referred one case to an appeal court, and as we step into 2023/24, we have referred another case to an appeal court and we have several section 25 investigations underway that may lead to additional referrals.

Our procedures adhere to statutory obligations consistent with Te Tiriti. In 2021, we further enhanced these procedures by reviewing our operating model and introducing a triage approach to our case procedures.

Te Kāhui strategic priorities are:

- Impact 1 – Potential miscarriages of justice are identified and reviewed fairly.
- Impact 2 – Tāngata are aware that Te Kāhui is available for those who believe they have suffered a miscarriage of justice.
- Impact 3 – Tāngata have confidence in the justice system through identified improvements.
- Impact 4 – Our Te Kāhui Kaikōmihana | Commissioners and kaimahi are skilled and capable of delivering our mahi.

Over the next four years, our primary focus, as outlined in our Strategic Framework, is to identify and review potential miscarriages of justice efficiently. We aim to expedite the review of applications, resulting in quicker meritorious referrals and a reduction in the number of active cases. We will judiciously utilise our existing reserves to achieve this acceleration and reduce the high volume of active cases.

Additionally, our priorities include raising awareness about Te Kāhui's role, mainly through the full implementation of Te Pou Tarāwaho, our outreach and education action plan. We are committed to increasing the proportion of applications from Māori, Pacific communities, and individuals who identify as female, with a targeted outreach focus on these groups. Where we identify barriers to access to justice, we will advocate for changes to remove such impediments.

Impact 3 centres on enhancing confidence in the Aotearoa New Zealand criminal justice sector by conducting inquiries into systemic issues through section 12 inquiries. These inquiries involve assessing, investigating, and analysing cases to identify critical issues that may lead to multiple miscarriages of justice.

Lastly, Impact 4 emphasises the importance of excellent governance and recruiting individuals who embody our values and ethics to steer Te Kāhui toward success.

Throughout our work, it is paramount that individuals who may have suffered a miscarriage of justice are treated equitably and with dignity. Additionally, we recognise the interests of victims of crime.

Building on our success and collaborative efforts across the criminal justice sector, Te Kāhui is dedicated to fulfilling its mandate and creating a safe and just society for all Aotearoa New Zealand residents.

Ngā Rautaki Whakaarotau | Strategic Priorities

As indicated in the 2023-2027 Statement of Intent, Te Kāhui expects to build on the systems and processes developed during the establishment phase that led to our first referrals of miscarriage(s) of justice during 2022/23.

Our strategic priorities are:

Impact 1 – Potential miscarriages of justice are identified and reviewed fairly.

Our top priority is ensuring all applications/cases to Te Kāhui are treated independently, fairly, and efficiently.

The 2023-2027 Statement of Intent seeks to increase the number of completed applications, leading to meritorious referrals being made more quickly and a reduction in the number of active cases.

Te Kāhui aims to be open, transparent, accessible, and independent in all its mahi. We will continue to publish all our procedures on our website and will continue our outreach and education programme to those with unsafe convictions, sentences, or both.

Te Kāhui will maintain the skills and expertise to undertake our mahi and, where necessary, will utilise external experts and specialists.

Te Kāhui will work hard to ensure that the information required to undertake the investigations is available without barriers. We will continue to do this through our established relationships with our justice sector partners with the information required for our investigations. We will maintain memoranda of understanding with all organisations/institutions that hold files pertinent to miscarriages of justice and advocate for improved access on a timely basis.

Subject to available funding, our priorities for the coming four years are set out below.

2023/24	2024/25	2025/26	2026/2027 & beyond
Growing the number of referrals.	Complete more active cases in triage and initial assessments.	Improve timeliness of reviews of applications within triage.	Improve timeliness of reviews of applications.
Using reserves to complete more reviews of applications.	Process improvements where required.		
Actively manage application volumes.			

Impact 2 – Tāngata are aware that Te Kāhui is available for those who believe they have suffered a miscarriage of justice.

We want to ensure that the people who need to know about our services are aware and can access information on how to apply.

During 2023-27, we will work toward fully implementing Te Pou Tarāwaho, our outreach and education action plan. This will help us to target those who may have had an unsafe conviction or sentence, their whānau, their advocates, and/or representatives.

Māori and Pacific peoples are overrepresented in the criminal justice system and have less access to appeals. We will increase the proportion of applications from Māori and Pacific peoples through an emphasis on outreach to these groups. Where other issues that limit access to justice are identified, we will advocate for changes that remove those barriers.

Subject to available funding, our priorities for the coming four years are summarised below.

2023/24	2024/25	2025/26	2026/2027 & beyond
Targeted outreach for Māori through relationships with key Tāngata Whenua communities.	Targeted outreach to Māori and Pacific peoples.	Targeted outreach to Māori, Pacific peoples, women, and youth.	Targeted outreach to Māori, Pacific peoples, women, and youth.
Targeted outreach to those incarcerated.	Targeted outreach to those incarcerated.	Targeted outreach to those incarcerated.	Targeted outreach to those incarcerated.

Impact 3 – Tāngata have confidence in the justice system through identified improvements.

Te Kāhui can initiate and conduct inquiries into matters that may contribute to miscarriages of justice.

Te Kāhui will undertake section 12 inquiry work, where, through the assessment, investigation, and analysis of cases, we identify a critical issue that creates a high likelihood of multiple miscarriages of justice.

Through our mahi to address miscarriages of justice and our recommendations on criminal justice system improvements, we seek to reduce disparities.

Subject to available funding, our priorities for the coming four years are summarised below.

2023/24	2024/25	2025/26	2026/2027 & beyond
Raising the awareness of Te Kāhui to vulnerable communities.	Formal s12 systemic inquiry with report to the Minister of Justice.	Recommendations from s12 systemic inquiry lead to reform within the justice sector.	Robustness of the justice sector has been improved through adoption of recommendations from a s12 inquiry or less formal advice.
Raising awareness of issues in the justice sector, including advocacy not covered by systemic inquiries.	Raise awareness of issues in the justice sector, including advocacy not covered by systemic inquiries.		
Collaborating with an agency or agencies on a potential systemic inquiry.			

Impact 4 – Our Te Kāhui Kaikōmihana | Commissioners and kaimahi are skilled and capable of delivering our mahi.

Te Kāhui must ensure its Board is well-advised, supported, and has access to appropriate training.

Our Board endeavours to be a high-performing board. The Board undertakes an annual self-assessment process, resulting in improved governance and management practices. It will also ensure the effective use of resources and better-informed decision-making.

The Board will continue to develop its understanding of Te Ao Māori and other cultures that may be overrepresented in the criminal justice system.

At Te Kāhui, our people are critical to our success. Our kaimahi are skilled, dedicated, conscientious, and culturally aware. We put a premium on research and analytical skills and demonstrating sensitivity.

Our kaimahi embrace our uara | values and the pou | pillars guiding our mahi and managing 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' whānau and support networks, and recognising that the issues we deal with can have far-reaching and inter-generational impacts.

Te Kāhui prioritises being an equal-opportunity employer with a workforce that is as diverse as Aotearoa New Zealand. We have Utu Tapiri Rautaki | Remuneration Strategy, which includes guidance on advertising salary bands and other information that improves equity and reduces the likelihood of discrimination.

He Oranga Pou Manawa | Performance Development Framework is used annually to agree on kaimahi goals and to identify tailored development to support each individual. In 2023/24, we seek to implement our talent programme, encompassing these to continue to enable the development and recognition of our people.

Health, safety, and wellbeing are critical to Te Kāhui Board. Our safety and wellbeing system is based on Te Whare Tapa Whā, focussing on taha tinana (physical health and safety), taha wairua (spiritual wellbeing), taha whānau (family wellbeing and relationships), and taha hinengaro (mental wellbeing).

Te Kāhui Board has established a subcommittee, Te Komiti Whakahaere o Ngā Tāngata | People Committee, and our Board agenda always reflects the importance of our kaimahi and their wellbeing.

Te Kāhui will operate in a financially prudent manner. We will operate within the constraints of our long-term funding, maintaining reserves to address unexpected shocks by our reserves policy.

Where Te Kāhui Board believe that cost pressures (either volume or economic) are such that Te Kāhui may not be sustainable, they will raise the need for additional funding with our Minister.

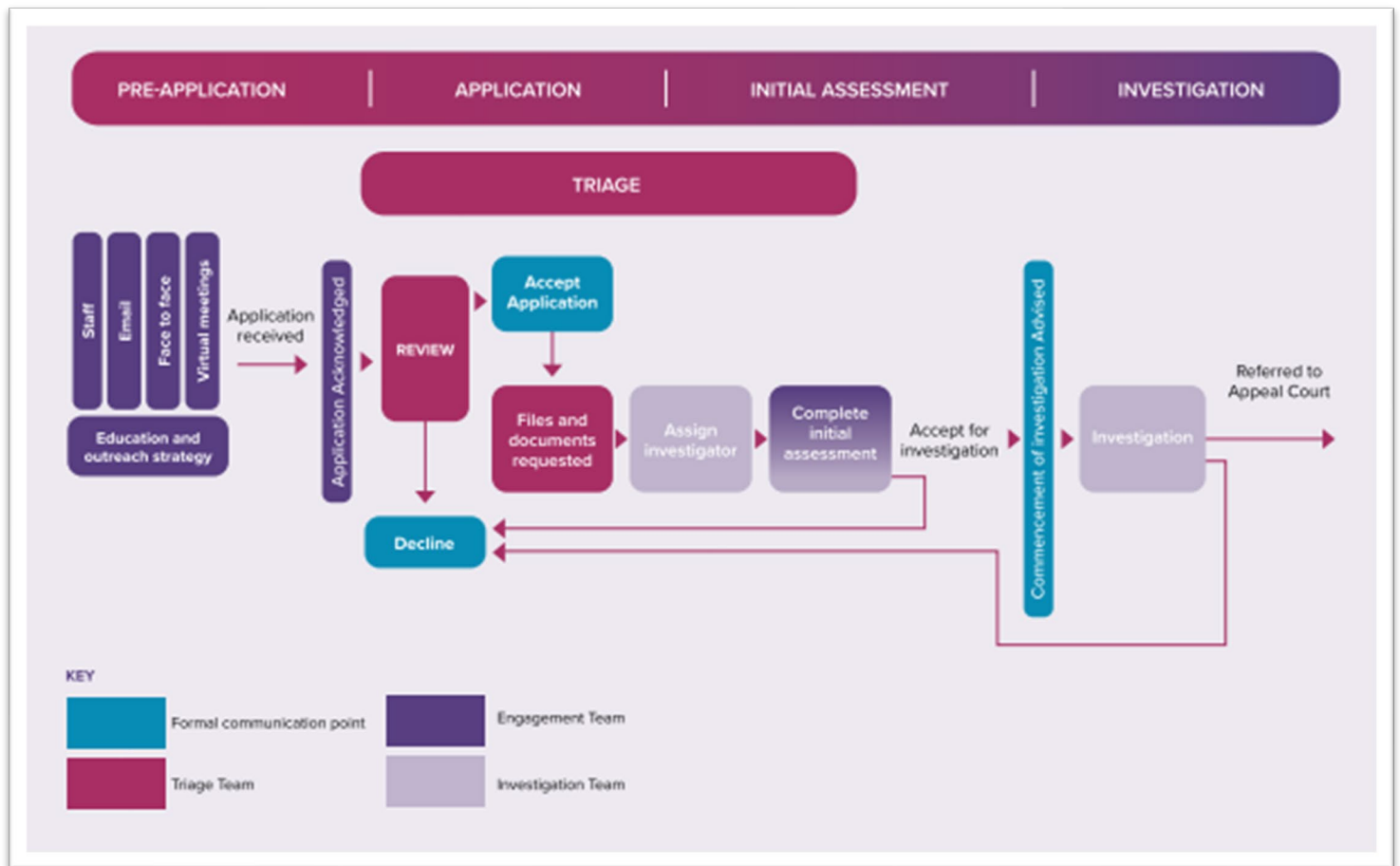
Subject to available funding, our priorities for the coming four years are summarised below.

2023/24	2024/25	2025/26	2026/2027 & beyond
Attracting and retaining Commissioners with the required capability (ongoing). Training and growing understanding of various cultures, especially those overrepresented in the criminal justice system	Attraction and retention of required Commissioners capability (ongoing). Growth and strengthening as Board rotation occurs	Attraction and retention of required Commissioners capability (ongoing)	Attraction and retention of required Commissioners capability (ongoing)

Te Anga Whakahaere | Operating Model

Our current operating model will be described in each Statement of Performance Expectations.

At the time of the approval of this BIM, our operating model is shown below:



Manaaki I Ngā Pārurenga | Supporting Victims

Victim notification in Aotearoa New Zealand, is a crucial component of the justice system, ensuring that victims are informed and supported throughout the legal process.

It encompasses a range of procedures and protocols designed to keep victims updated on significant developments in their cases, including court proceedings, parole hearings, and any changes in the status of offenders. This notification process empowers victims by providing them with essential information, enabling them to participate more actively in decisions affecting their safety and wellbeing.

Moreover, victim notification in Aotearoa New Zealand reflects a commitment to respecting victims' rights and acknowledging the significance of their role within the justice system, fostering a more transparent and inclusive approach to criminal justice.

The Te Kāhui approach

Our approach to victim notification places victims' needs, concerns, and wellbeing at the forefront of the notification process. The primary objective is to disseminate information and ensure that victims are treated with compassion, empathy, and respect throughout their interaction with the criminal justice system.

Each application is unique and often complex, so a tailored approach is taken with an identifiable victim. Victims are not notified of an application until necessary and appropriate.

At the appropriate time, consideration is given to the best approach, recognising, and giving effect to the needs and rights of victims, doing all we can to respect and enhance the safety of victims and whānau throughout our processes.

Below are key considerations that we use with victim notification. This was created after consultation with experts who work alongside victims and informed by our practice in the field. It includes:

1. Being empathetic and sensitive recognising the emotional, traumatic, and psychological impact on victims.
2. Providing clear and easily understandable information, avoiding legal or bureaucratic jargon and as appropriate, available in multiple formats and languages. Cultural differences as to how victims are notified are supported.
3. Open and responsive communication that meets the needs of victims and their whānau.
4. Notification processes are designed to protect victims' safety and confidentiality and are timely, consistent and reliable
5. Feedback from victims is sought and used to continually improve the notification process,

Summary of outputs and output expenses

Appropriation

Appropriation	Description
Vote:	Justice
Appropriation:	Services from the Criminal Cases Review Commission
Description:	This appropriation is intended to achieve the operation of the independent review of suspected miscarriages of justice and any secondary functions outlined in the statute.
Output class:	Operation of the Criminal Cases Review Commission

The forecast revenue for 23/24:

Forecast	\$0,000
Revenue Crown	\$5,191
Interest revenue	\$60
Total forecast revenue	\$5,251

The forecast expenditure for 23/24:

Forecast	\$0,000
Forecast expenditure	\$5,251



**Te Kāhui
Tātari Ture**

**Criminal Cases
Review Commission**

0800 33 77 88

Monday - Friday, 9am - 5pm

info@ccrc.nz

New Zealand Criminal Cases Review Commission

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