

27 July 2018

Jason McIntosh
Fyi-request-8120-e0abf069@requests.fyi.org.nz

Dear Mr McIntosh

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request to Hon Andrew Little, Minister of Justice, regarding an independent judicial review board. Your email has been transferred to me for response as General Manager, Courts and Justice Services Policy at the Ministry of Justice.

You have asked the following,

Now that New Zealanders can no longer appeal to the Privy Council, victims of corrupt or unfair court judgements have no independent authority to ask for justice. Wouldn't it be fair to have an independent judicial review committee to resolve illegal or unfair cases?

The Ministry of Justice does not hold any information that relates to your request. Therefore, I am declining your request as allowed by section 18(g)(i) of the OIA as there are no grounds for believing it is held by another department, Minister of the Crown, organisation or local authority. I can, however, make some general comments that you may find useful.

New Zealand's court system

Our court system allows individuals to appeal judges' decisions to a higher court. Since the right to appeal to the Privy Council was removed in 2003, the Supreme Court of New Zealand has been our final court of appeal. The Supreme Court is easier for New Zealanders to access than the Privy Council and the court itself is in Wellington.

Addressing miscarriages of justice

The Royal prerogative of mercy is a further existing mechanism in New Zealand's criminal justice system for addressing alleged miscarriages of justice. It provides a special avenue for criminal cases to be re-opened where a person may have been wrongly convicted or sentenced. This is generally only available where a person has exhausted all their existing rights of appeal in the court system.

The Government, as part of its coalition agreement, has committed to establishing a Criminal Cases Review Commission (CCRC). This will be an independent public body set up to review suspected miscarriages of justice and refer cases back to court. The structure and scope of the CCRC is in development. It is the Minister of Justice's intention to have the CCRC operational by July 2019.

Other review mechanisms

There are also a number of other agencies and mechanisms that ensure that the rule of law in New Zealand is upheld and that unfair cases, if they occur, are investigated and resolved.

Judicial Review is available for individuals who are unhappy with decisions made by government agencies or an individual official. A High Court judge can determine whether a decision made was unauthorised or invalid. More information about judicial review can be found at www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/.

The Office of the Ombudsman can investigate complaints about decisions or conduct of government bodies and officials. Ombudsmen can consider a wide range of issues and determine whether a decision was appropriate and followed the correct practice. More information about what the Ombudsman can do can be found at www.ombudsman.parliament.nz/.

The Judicial Conduct Commissioner (JCC) receives and assesses complaints made about the conduct or behaviour of judges. While this process cannot be used to complain about a judge's decision, the JCC has a range of options available if the judge's conduct is found to be unsatisfactory. More information about the JCC can be found at www.jcc.govt.nz/.

I trust that this information will assist you.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

Yours sincerely



Andrea King
General Manager, Courts and Justice Services