

MINISTRY OF  
JUSTICE

FILED

IN 01 03 01 02

9 March 2000

Rt Honourable Sir Thomas Eichelbaum

Dear Sir Thomas

Further to our recent telephone discussion I enclose a further draft of the proposed terms of reference. I have yet to confirm with the Crown Law Office that they will represent Police, the Department of Social Welfare and the specialist interviewers. There may need to be some slight change if these agencies are to be separately represented.

You will note the amendment to incorporate the concept of a pardon. Please let me know if you are comfortable with the way it is formulated. As drafted, it would probably require you to give some consideration to the appropriate threshold for pardon. We have already done some work on that issue which can be made available to you.

The Minister would like to announce both the terms of reference and your appointment tomorrow morning.

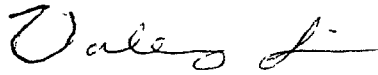
I would be grateful if you would confirm your acceptance of the appointment on the following terms:

- 1 The Ministry will provide any administrative and secretarial support you consider necessary;
- 2 The rate of payment is to be \$800 per day plus GST;
- 3 A Ministerial car will be made available; and
- 4 Any international travel necessary will be Business Class.

*Te Manatū Ture*

I look forward to hearing from you.

Yours sincerely



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encl.

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

0210

The Minister of Justice appoints you to inquire in the manner set out below into matters which may be relevant to the assessment of the reliability of evidence given by the children who attended the Christchurch civic crèche against Peter Hugh McGregor Ellis and to report on whether there are any matters which give rise to doubts about the assessment of the children's evidence to an extent which would render the convictions of Peter Hugh McGregor Ellis unsafe and warrant the grant of a pardon.

You are to:

- (1) (a) Review the reports and memoranda listed in the schedule and:
  - (i) identify the processes, practices and procedures currently accepted internationally as best practice for investigating mass allegation child sexual abuses and interviewing children in these cases; and
  - (ii) identify any risks associated with a failure to adhere to best practice.
- (b) On the basis of the evidence given at both the depositions and the trial, assess whether the investigation into the events at the Christchurch civic crèche case and interviews of children were conducted in accordance with best practice as now understood.
- (c) If you conclude that the interviews were not conducted in accordance with best practice, identify the nature and extent of any risks which arise, which might affect the assessment of the reliability of the children's evidence. In conducting this task you are not required to attribute or apportion blame to particular individuals who undertook the interviews. The focus of the task is on the evaluation of systems and techniques and their impact on the children.

In undertaking the tasks referred in (1) above, you are to invite, and consider, written submissions from the Crown Law Office (on behalf of the Police, Department of Social Welfare and Specialist Interviewers), Peter Ellis, the families of children who gave evidence at the Ellis trial, and the Commissioner for Children.

- (2) For the purpose of the assessment the conclusions under (1) above, you are to:
  - (a) Seek and evaluate opinions from at least two internationally recognised experts (if possible with experience in mass allegation child sexual abuse) on whether there are features of the investigation and/or interviews of the children (on the basis of the evidence at depositions and trial) which may have affected the reliability of the children's evidence, and if so, their likely impact.
  - (b) In selecting the experts from whom opinions are to be sought you are to:
    - (i) invite and consider submissions from the Crown Law Office, Mr Peter Ellis, the families of children who gave evidence at Mr Ellis's trial and the Commissioner for Children; and
    - (ii) make such further inquiries as you consider necessary to ensure that the experts from whom opinions are sought reasonably reflect the range of professional views.

- (3) In light of your assessment and conclusions in (1) and (2) above, you are to report by 31 August 2000 on whether there are any matters which give rise to doubts about the assessment of the children's evidence which would render the convictions of Peter Hugh McGregor Ellis unsafe and warrant the grant of a pardon.

to 31.8.2000