

MINISTRY OF

JUSTICE

FILE COPY

LA 04 01 0003
MP.CI.RP

25 May 2000

Rt Honourable Sir Thomas Eichelbaum

Dear Sir Thomas

PETER HUGH MCGREGOR ELLIS

We refer to your letter dated 12 May.

The Evidence (Videotaping of Child Complainants) Amendment Regulations 2000 were duly assented by the Governor-General in Council on 15 May 2000. Notification of the Regulations was published in the Gazette on 18 May 2000. The Regulations came into force the next day.

We enclose a copy of the amendment. On our interpretation of the regulations, it will be necessary for you to request copies of the videotapes and transcripts from the Registrar of the Christchurch High Court. We have however contacted officials at the Christchurch High Court and alerted them that you will be requesting three copies of the evidential videotapes and transcripts shortly.

Thank you for your comments on the additional material that we thought might possibly be sent to the other interested parties. When the terms of reference for the inquiry were originally drafted, we thought it desirable to confine the material that was included in the schedule to those documents that the Court of Appeal indicated might more appropriately be considered by an inquiry. Amongst other reasons, this was because we were concerned that the inclusion of other material, that was otherwise properly considered by the Court, might encroach upon the Court's jurisdiction.

In our opinion, the safest course would be to maintain this approach in relation to the material that is not publicly available, including documents such as Sir Thomas Thorp's report. The only material that it may be necessary to send to the parties named in the

terms of reference are those documents that update the Joint New Zealand Children and Young Persons Service and Police Operating Guidelines of March 1997. This material sets out current "best practice" in New Zealand for the investigation of allegations of child sexual abuse. However, while the information is held by the Crown, and is of course available under the Official Information Act 1982, we are concerned that Mrs Ablett Kerr QC, Ms Kristy McDonald QC, and the Commissioner for Children may not be aware that it exists.

We are looking into the matter of the letterhead and hope to discuss it with you shortly.

Yours sincerely



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