

Karen,

Rolleston Determination

I have had a quick look at this. I see the Commission's decision, with detailed reasons, to terminate in 2000 as a fairly large problem, apart from all the evidentiary issues. I haven't seen a document which sets out the chronology of the HCCC's dealings with these matters and the reasons for the different outcomes. The most recent investigation reports don't deal with the previous matters.

I think we would have to work on the basis that if we did prosecute, all this history will be scrutinised by a tribunal or the Supreme Court. Questions of fairness and prejudice and even jurisdiction may well arise. In Herron v McGregor (which is not the most up to date authority on stay but is bound to be quoted) specifically found delay by the prosecutor was a relevant factor.

Do you think this matter could be handled by Rhonda? Otherwise, perhaps Ragini could take it on. We can't really afford to waste time and I won't have the time to put a brief together. I think we should get advice from senior counsel as, with all respect to Greg Farmer, the advice really needs to thoroughly examine the effect of the delay, both the delay in reporting by the victims and delay by the HCCC. Someone with both criminal and administrative law would be good, perhaps Phil Strickland or Stephen Rushton.

Sarah Connors
27 May 2008

I agree - Phil Strickland, would
be good. I will transfer to
Rhonda on commencement.

Could you please arrange for
file to be copied by CSO's (at
least can be started before
Carol off next week)

Karen