

Establishment of the Inquiry into the Management of Tony Douglas Robertson by the Department of Corrections and other State Sector Agencies Before and After His Release from Prison in 2013

Pursuant to section 6(3) of the Inquiries Act 2013, The Honourable Amy Adams, Minister of Justice, and The Honourable Peseta Sam Lotu-liga, Minister of Corrections, hereby establish the Government Inquiry into the management of Tony Douglas Robertson (Mr Robertson) by the Department of Corrections and other State sector agencies before and after his release from prison on 11 December 2013 (“Inquiry”).

Background

On 11 December 2013, Mr Robertson was released from prison on 6 months of standard and special release conditions after serving his full sentence of 8 years imprisonment for convictions relating to the abduction and indecent assault of a child, the attempted kidnapping of two other children, and assaulting a prison officer. On 25 May 2014, Tony Robertson murdered Blessie Gotingco.

At its meetings on 3 and 10 August 2015, Cabinet:

- agreed that a Government Inquiry be established under the Inquiries Act 2013 to inquire into the management of Tony Robertson by the Department of Corrections/State sector agencies before and after his release from prison (CAB Min (15) 26/23 refers);
- agreed that the Minister of Justice and the Minister of Corrections be the appointing Ministers for the Inquiry.

Terms of Reference

Background

On 25 May 2014, Tony Robertson murdered Blessie Gotingco while subject to release conditions under section 18(2) of the Parole Act 2002. Given the public safety issues arising from Mr Robertson’s offending while subject to release conditions, the Inquiry is established to look into the management of Mr Robertson before and after his release from prison, and to make recommendations arising from these matters.

Appointment

The Minister of Justice and the Minister of Corrections have appointed Melwyn Purefoy SMITH to inquire into the matters set out below.

Matters for the Inquiry

The Inquiry will inquire into, report upon, and make any recommendations they consider appropriate relating to:

- a. The management of Mr Robertson by the Department of Corrections prior to his release from prison on 11 December 2013, including, but not limited to, the adequacy of:
 - i. the services and programmes offered to and delivered to Mr Robertson (including, drug and alcohol, psychological and other rehabilitative interventions); and
 - ii. the release plan prepared for Mr Robertson.
- b. The management of Mr Robertson by the Department of Corrections following his release from prison on 11 December 2013, including, but not limited to, the adequacy of:
 - i. the supervision and monitoring of Mr Robertson, including his reporting requirements, home visits by probation staff, compliance with release conditions, and GPS monitoring;
 - ii. the response to any breaches of release conditions;
 - iii. the services and programmes offered to and delivered to Mr Robertson;
 - iv. compliance with mandatory and best practice standards for management of offenders having regard to Mr Robertson's release conditions;
 - v. risk assessment tools used by Corrections staff and their application to Mr Robertson;
 - vi. liaison by Corrections staff with Police;
 - vii. the training of staff supervising high risk offenders in the community;
 - viii. the decisions relating to Mr Robertson's residential arrangements;
 - ix. the decisions relating to the notification of nearby residents of Mr Robertson's background.
- c. the actions or omissions of any other relevant State sector agencies (including Police) relating to Mr Robertson's offending following his release from prison, including his breaches of release conditions;
- d. the adequacy of operational practices (including the management of electronic monitoring) relating to the release of prisoners who are assessed as posing a high risk of reoffending at their release date; and
- e. any other matters relevant to the above matters, to the extent necessary to provide a complete report of these matters.

The Inquiry may be informed by any departmental or State services reviews that have been undertaken into the management of Mr Robertson's release (or related

matters), including whether by specific public service departments or on a multi-agency basis.

Exclusions from Inquiry and Scope of Recommendations

In accordance with section 11 of the Inquiries Act 2013 (“Act”), this Inquiry will not determine the civil, criminal or disciplinary liability of any person. This Inquiry may, as provided in section 16 of the Act, be postponed or temporarily suspended.

Reporting Sequence

The Inquiry is to report its findings and opinions to the appointing Ministers in writing by **30 November 2015**.

Consideration of Evidence

The Inquiry may begin considering evidence on **14 August 2015**, after the Terms of Reference have been published in the New Zealand Gazette.

Relevant Department

For the purposes of section 4 of the Act, the Ministry of Justice is the relevant department for the Inquiry and responsible for administrative matters relating to the Inquiry.

Dated at Wellington this 10th day of August 2015.

Hon Amy Adams, Minister of Justice

Hon Sam Lotu-liga, Minister of Corrections