

**BEFORE THE COMMISSION OF INQUIRY
INTO POLICE CONDUCT**

**SUBMISSIONS OF NEW ZEALAND POLICE AS TO NAME SUPPRESSION
FOR COMPLAINANTS AND SUBJECTS OF INITIAL COMPLAINTS**

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Summary

1. While it is important that matters relevant to the terms of reference are considered openly, the Commissioner supports a presumption in favour of suppression of the names of complainants, along with the names of those Police members or associates who were the subject of the initial complaints. Such a presumption is appropriate given the terms of reference and the nature of the Commission's focus. The terms of reference require the Commission to consider the process the Police followed in investigating those complaints, not the substance of the complaints themselves. The subjects of the complaints will not be asked to give their side of the story. In those circumstances it would not be fair for the subjects to be forced to endure the publicity, and the possible damage to their reputations, that would accompany publication of their names.

General Name Suppression for Complainants and Subjects

2. A presumption in favour of suppression of the names of complainants and of the Police members or associates who were the subject of those complaints would have a number of advantages. The principal benefit of general suppression for complainants and subjects concerns the subjects' right to natural justice.
3. As has been discussed on a number of occasions already, this Commission is not concerned with the substance of sexual allegations against Police members and associates, but with the way those complaints were handled by the Police who investigated them. Determination of the merits of original complaints is expressly outside the Commission's terms of reference. Accordingly, while the Commission will properly hear from complainants about their original allegations and the way the Police responded to them, it will not hear balancing evidence from the subjects of those complaints; evidence of this nature would be irrelevant to the Commission's task.

4. In those circumstances, the subjects of the complaints are in an invidious position – very serious complaints against them, many of them strenuously disputed, will be heard in public without direct opportunity for the subjects to answer them. As a matter of basic fairness to those who find themselves in that position, it is submitted that it would be appropriate for the names of complainants and subjects to be suppressed, at least in the normal run of cases.
5. An incidental benefit of suppression is that it may further reduce the likelihood that reporting of the Commission will dwell on the original complaints rather than the issue that the Commission is charged to resolve, namely the manner in which those complaints were investigated and resolved.

DATED at Wellington this *13th* day of August 2004



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