

**Government Response to  
the referral of the Petition of Social Justice Aotearoa  
requesting a Royal Commission of Inquiry  
into the wrongful conviction of Alan Hall**

**Presented to the House of Representatives**

**In accordance with Standing Order 380**

# **Government response to the referral of the Petition of Social Justice Aotearoa requesting a Royal Commission of Inquiry into the wrongful conviction of Alan Hall**

## **Introduction**

- 1 The Government has carefully considered the Petition Committee's referral of the Petition of Social Justice Aotearoa titled: Alan Hall Royal Commission of Inquiry.
- 2 The Government thanks the Petitioner for their Petition, which requests that the House of Representatives urge the Government to establish a Royal Commission of Inquiry into the wrongful conviction of Alan Hall and the police investigation that led to his wrongful conviction.
- 3 The Petitioner's reasoning for this request stated:

"It is a known fact that evidence had been altered by the police, to the prosecution's advantage and to the detriment of Alan Hall's defence. We believe that this is unacceptable to the public of Aotearoa, and we believe that a Royal Commission of Inquiry should be held, led by an independent KC or the like from another country as was the case in the Arthur Allan Thomas inquiry."
- 4 The Government has also reviewed the Petitioner's written submission to support their Petition, in which the Petitioner submits that the wrongful conviction of Alan Hall is the worst injustice New Zealand has ever seen. It is submitted that that the wrongs in this case can only be righted by the Government initiating a Royal Commission of Inquiry and holding people accountable for the falsification of evidence by police that convicted an innocent man. The Petitioner submits that a Royal Commission of Inquiry is necessary to uncover any corruption in the police, ensure the truth is told to the New Zealand public and that such an injustice never occurs in New Zealand again.
- 5 The Petition was presented to the House on 9 May 2024 and referred to the Petitions Committee. On 2 August 2024 the Petitions Committee agreed to refer the Petition to a Minister for response.
- 6 The Government has considered the advice of the Minister of Justice, who has overall responsibility for the justice system, which includes the maintaining the integrity of New Zealand's courts and tribunals.
- 7 The Government has decided that it is unnecessary and inappropriate for a Royal Commission of Inquiry to be established at this time.
- 8 The Government's response to the Petition, setting out the reasons for its decision, follows in accordance with Standing Order 380.

## **Request and Government response**

- 9 The Petition requests that the House of Representatives urge the Government to establish a Royal Commission of Inquiry into the wrongful conviction of Alan Hall and the police investigation that led to that wrongful conviction.

### *Convictions and Acquittal*

- 10 In 1986 Mr Hall was convicted of murdering Arthur Easton and intentionally wounding his son, Brendon Easton. He was sentenced to life imprisonment.
- 11 In June 2022 the Supreme Court found that a serious miscarriage of justice had occurred in Mr Hall's case. The court accepted the following:
- 11.1 That key evidence presented to the jury at Mr Hall's trial was materially altered by police without the witness's knowledge;
- 11.2 The state did not meet its disclosure obligations prior to the trial and that the failures were material; and
- 11.3 Mr Hall's statements should have been excluded given the length and nature of the interviews with Mr Hall, and his intellectual abilities.
- 12 The Crown conceded that Mr Hall had suffered a substantial miscarriage of justice.
- 13 The Supreme Court quashed Mr Hall's convictions and directed an acquittal. Mr Hall spent nearly 18 years in prison as a result of his wrongful convictions.

### *Application for compensation*

- 14 In July 2022 Mr Hall lodged an application for compensation for wrongful conviction and imprisonment. Retired High Court Judge Rodney Hansen CNZM KC, appointed to advise on Mr Hall's innocence, concluded that Mr Hall had established that he was innocent on the balance of probabilities of the charges for which he was convicted.
- 15 The Government accepted Mr Hall's innocence and apologised unreservedly for his wrongful convictions and imprisonment. On the advice of Mr Hansen, the Government offered Mr Hall compensation totalling \$4,933,725.75. This offer was accepted by Mr Hall in August 2023.

### *Investigations and inquiries*

- 16 Following the Supreme Court's decision to acquit Mr Hall, and its findings in relation to the miscarriage of justice arising from Mr Hall's convictions, a number of investigations into the prosecution of Mr Hall were conducted.
- 17 In July 2022, the Solicitor-General, Una Jagose KC, instructed barrister Nicolette Levy KC to inquire into the role of any Crown lawyers from 1985 to June 2022 (the date the Supreme Court quashed Mr Hall's convictions) in Mr

Hall's case. In December 2022 Ms Jagose referred aspects of Ms Levy's report to the Police for their consideration.

- 18 A redacted version of Ms Levy's report was publicly released on 26 May 2023. Redactions were made to avoid jeopardising any police processes.
- 19 Two internal police investigations were also launched in 2022; a full review of the original police investigation, and a targeted review to investigate whether officers were responsible for a decision not to include crucial witness statements about the ethnicity of the offender at trial. The outcome of these investigations has not yet been made public.
- 20 The Independent Police Conduct Authority (IPCA) has also conducted its own investigation into the police's handling of the homicide investigation. The IPCA has advised that it would not be releasing its report until police complete their investigation.

#### *Criminal charges laid*

- 21 In August 2024 the Police charged two former police staff who were involved in the original homicide investigation and a former Crown prosecutor involved in the subsequent trial of Mr Hall. All have interim name suppression. Police have said that the charges were issued following a thorough, methodical investigation led by a detective superintendent, and independent legal review.

#### *The need for further inquiries*

- 22 In light of Mr Hall's successful compensation application, and the four investigations led by Crown Law, Police and the IPCA, the Government does not consider it necessary to establish a Royal Commission of Inquiry into Mr Hall's case. The key facts are in the public domain already, mainly from the Supreme Court's judgment and the two detailed reports by Mr Hansen KC concerning Mr Hall's compensation claim which have been proactively released.
- 23 The objective of holding people to account for their part in the wrongful conviction of Alan Hall is attained by the investigations already undertaken and, potentially by the laying of criminal charges against three individuals allegedly involved in the investigation and prosecution of Mr Hall.
- 24 Further, now that three individuals have been charged in relation to the homicide investigation and the prosecution of Mr Hall, it would be inappropriate for an inquiry to be established while criminal proceedings are taking place.
- 25 It is important that criminal proceedings are able to take their course without the perception of interference from the executive or legislative branches of government. Therefore, it would not be appropriate for Parliament to urge the Government to establish a Royal Commission of Inquiry, or for an inquiry to take place, while criminal proceedings are before the court. An inquiry could

jeopardise the criminal proceedings and impact on the fair trial rights of the defendants.

- 26 The Government is satisfied that as a result of the inquiries already undertaken that appropriate action has been taken against those allegedly involved in any improper steps in the investigation and prosecution of Mr Hall.
- 27 Although it is a decision for the individual agencies to make, it is anticipated that the outcome of the inquiries already undertaken will be made publicly available once the criminal proceedings have come to an end and will likely provide sufficient transparency as to what occurred in Mr Hall's case.

## **Conclusion**

- 28 The Government considers that it is unnecessary to establish a Royal Commission of Inquiry in light of the investigations undertaken by Crown Law, Police and the IPCA, and the current prosecutions. The objective of holding people to account for their alleged part in the wrongful conviction of Alan Hall is achieved by the laying of criminal charges. The Government also considers that it is inappropriate for such an inquiry to take place while criminal proceedings are before the courts.