

13 December 2019

Ross Francis

By Email: fyi-request-11664-5c95024c@requests.fyi.org.nz

Dear Mr Francis

Official Information Request dated 17 November 2019

I refer to your request for information to the Ministry of Justice (**Ministry**) under the Official Information Act 1982 (**Act**) on 17 November 2019. Your request was as follows:

“On 12 March 2009, the Justice Ministry provided a briefing to then Justice Minister Simon Power about the Peter Ellis case. The briefing was 44 pages including attachments.

Who wrote the briefing?

What information did the writer(s) traverse and who did they consult before providing the briefing to the Minister?

Prior to completing their briefing, did the writer(s) read Dr Michael Lamb’s affidavits, multiple reports by Dr Barry Parsonson, an affidavit from Professor Maggie Bruck, the comments of Professor Stephen Ceci, the comments of Professor Ray Bull and the report into the Ellis case by Professor Graham Davies?

Prior to completing their briefing, did the writer(s) read “Satan’s Excellent Adventure in the Antipodes” by Professor Michael Hill, and did the writer(s) read Lynley’s Hood’s book A City Possessed?

Prior to completing their briefing, did the writer(s) read New Evidence in the Peter Ellis case, two articles published in the New Zealand Law Journal in November and December 2007?

Prior to completing their briefing, did the writer(s) communicate with Sir Thomas Thorp, who in January 2008 reportedly said that the articles published in the New Zealand Law Journal “must add to concerns expressed previously that that case may have gone awry”?

In March 1998, the Justice Ministry said that Dr Parsonson’s body of work in respect of the Ellis case cast “considerable doubt on the reliability of the evidence given by the complainants”. Did the Ministry supply Simon Power with this information while he was Justice Minister? To whom has the Ministry provide this information about Dr Parsonson’s body of work?

Please provide me with all information about the above questions, including copies of communication among officials, and between officials and others, about the Ellis case between 20 November 2008 and 30 April 2009.”

We have divided your request into several parts, set out below:

1. *Your questions relating to the briefing of 12 March 2009.*

I authored the briefing in question with assistance from my staff. We have searched our file which does not contain any further information on the drafting of the briefing. As the briefing was prepared over a decade ago I cannot call to mind which specific material was traversed in drafting it. Accordingly, your various requests are refused under s 18(e) of the Act. The briefing is publicly available and refers to the information it relies on, including some of the documents you have listed.

As you are aware, the Ministry consulted the Department of Internal Affairs (DIA) during the preparation of the briefing. The relevant communications between the Ministry and DIA were the subject of an Official Information Act request by you dated 19 June 2017.

2. *"In March 1998, the Justice Ministry said that Dr Parsonson's body of work in respect of the Ellis case cast "considerable doubt on the reliability of the evidence given by the complainants". Did the Ministry supply Simon Power with this information while he was Justice Minister? To whom has the Ministry provide this information about Dr Parsonson's body of work?"*

The part of a sentence you have cited is from a briefing on Peter Ellis' first application for the Royal prerogative of mercy in 1998. We have previously responded in detail to your requests relating to this quote, including on 10 September 2018, 9 October 2018 and 25 January 2019. We are not aware of that sentence having been repeated in any later briefing.

3. *"Please provide me with all information about the above questions, including copies of communication among officials, and between officials and others, about the Ellis case between 20 November 2008 and 30 April 2009."*

See response to part one of your request above regarding communications between Ministry and DIA officials.

You have the right under section 28(3) of the Act to complain to the Ombudsman regarding this response.

Yours sincerely



Jeff Orr
Chief Legal Counsel

