

**29 AUG 2016**

RC Dahiya

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Dear Mr Dahiya

**Official Information Act request**

Thank you for your letter dated 1 August and 25 August 2016 in which you have requested, under the Official Information Act 1982 ('the Act'), responses to the questions you posed in submissions made to Justice Lang and to the Crown Solicitor, Ms Nicole Copeland in relation to your appeal to the High Court against a decision made by the Immigration and Protection Tribunal (IPT).

You requested a copy of the recording of your hearing at the High Court. Please note that such a recording forms part of the Court record. As outlined in section 2(6), the court record is outside the scope of the Act. It is for this reason that your request for this information is refused in accordance with section 18(g) of the Act on the grounds that the information is not held by the Ministry. However, the information is held by the Court and I understand that you have made a similar request directly to the Auckland High Court and were provided with a transcript of your hearing on 9 August 2016.

The majority of your questions ask that the Ministry reference the relevant legislation that the judge used in making his decision. As with the recording of your hearing, the judge's decision also forms part of the Court record and is outside the scope of the Act in accordance with section 2(6). For this reason, this part of your request is also refused in accordance with section 18(g) of the Act on the grounds that the information is not held by the Ministry. In addition, please note that judges make decisions independently from Government officials to ensure the impartiality of the court process. It would therefore be inappropriate for me, or any Government official, to respond to your questions relating to the legislation that Justice Lang referred to in making his decision.

The remaining questions in your submissions seek an opinion rather than information and are also outside the scope of the Act. In accordance with the Act, the Ministry is only required to provide information that it holds but is under no obligation to form an opinion to answer a request. For this reason, these parts of your request are refused in accordance with section 12(2) of the Act on the grounds that the information requested has not been specified with due particularity.

Your submission advises that you would like your case transferred to another High Court to be heard by another judge. Please note that as advised in the minute of Justice Lang dated 2 August 2016, his judgment was final and any challenge to the decision made needs to be by way of appeal to the Court of Appeal.

You also requested that the decision in your initial hearing by the IPT be published online. All IPT decisions are published online although they do not refer to the appellant by their full name. A copy of the decision in relation to your case can be found on the Ministry's website at the following link: [https://forms.justice.govt.nz/search/IPT/Documents/Residence/pdf/res\\_20160118\\_202924.pdf](https://forms.justice.govt.nz/search/IPT/Documents/Residence/pdf/res_20160118_202924.pdf). A copy of the High Court decision relating to your case has also been published and can be found at: <https://forms.justice.govt.nz/search/Documents/pdf/jdo/8a/alfresco/service/api/node/content/workspace/SpacesStore/d64db457-eaf2-4a02-b5b9-a683dba19058/d64db457-eaf2-4a02-b5b9-a683dba19058.pdf>.

You have the right, by way of complaint to the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this response. Information about how to make a complaint can be found on the Ombudsman website [www.ombudsman.parliament.nz/make-a-complaint](http://www.ombudsman.parliament.nz/make-a-complaint), or by phoning 0800 802 602.

Yours sincerely



Kevin Emery  
**General Manager, Higher Courts**