

9 May 2017

Ross Francis
fyi-request-5718-db8bcf92@requests.fyi.org.nz

Dear Mr Francis

Official Information Act 1982 request: Peter Ellis Case

Thank you for your FYI request of 12 April 2017 requesting the following information under the Official Information Act 1982 ("the Act"):

"The Ministry created the document "Options for further inquiry into the Ellis case", which was signed by then-Chief Executive Colin Keating and is dated 1 March 2000. Who wrote this document and who was involved in researching it? Please send me all records relating to this request including communication within the Ministry about all work associated with this document.

After Val Sim wrote a review of Lynley's Hood book "A City Possessed" and before it was given to Phil Goff, did anyone review Ms Sim's work to ensure it was accurate, fair and didn't omit relevant information? If so, who? Did anyone assist Ms Sim with the research of her review? If so, who?

Has the Justice Ministry transferred any records relating to the Peter Ellis case to Archives New Zealand. If so, what documents have been transferred and when did the transfer of documents take place?"

I have divided your request into three parts, which I have addressed below.

1. *"The Ministry created the document "Options for further inquiry into the Ellis case", which was signed by then-Chief Executive Colin Keating and is dated 1 March 2000. Who wrote this document and who was involved in researching it? Please send me all records relating to this request including communication within the Ministry about all work associated with this document."*

After searching the Ministry's files regarding the Peter Ellis case I can advise you that Ms Val Sim and Mr Michael Petherick drafted and were involved in the research of the document "Options for further inquiry into the Ellis case". Mr Colin Keating was also involved in the drafting of the document through the making of amendments to draft versions of the document.

I can further advise that the only documentation held by the Ministry regarding the document are draft versions of the final document. I consider that these draft versions of "Options for further inquiry into the Ellis case" should be withheld under s9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions between officials in the course of their duty. I consider that the ground for withholding the information is not outweighed by other considerations which render it desirable, in the public interest, to make that information available.

2. *"After Val Sim wrote a review of Lynley's Hood book "A City Possessed" and before it was given to Phil Goff, did anyone review Ms Sim's work to ensure it was accurate, fair and didn't omit relevant information? If so, who? Did anyone assist Ms Sim with the research of her review? If so, who?"*

In March 2012, you requested all documents, including (but not limited to) letters, files notes, memos, emails and deleted emails pertaining to several questions which you had asked in relation to Ms Sim's review of "A City Possessed". That search of the files included a search for all documents and information dating back to the time of the book's publication in October 2001 to the date of Ms Sim's review, 21 May 2002. Any review of Ms Sim's review of "A City Possessed" would sit within that time period. The response of this office to you dated 27 April 2012 advised that the Ministry's files do not contain any documents that fell within the scope of your request.

As such, the Ministry's files do not contain any information that falls within your current request. I am therefore refusing this part of your request for information under s18(g) of the Act on the grounds that the information requested is not held by the Ministry and I have no reason to believe that it is held by another department.

3. *"Has the Justice Ministry transferred any records relating to the Peter Ellis case to Archives New Zealand. If so, what documents have been transferred and when did the transfer of documents take place?"*

The Ministry of Justice has not transferred any records relating to the Peter Ellis case to Archives New Zealand.

You have the right to complain to the Ombudsman under s 28(3) of the Act and seek a review of this response.

Yours sincerely



Jeff Orr
Chief Legal Counsel