

30 May 2013

Louise Tanguay
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Dear Ms Tanguay

Official Information Act 1982 request: Scott Watson

I refer to your email of 2 May 2013 requesting, under the Official Information Act 1982 ('the Act'), "all documents relating to Scott Watson's petition for the exercise of the Royal Prerogative of Mercy".

I am withholding the requested information under section 6(c) of the Act, as Mr Watson's application is still under active consideration, and releasing the information would be likely to prejudice the maintenance of the law. I note that the following sections also provide grounds for withholding some of the requested information;

- s9(2)(a): protection of the privacy of natural persons;
- s9(2)(ba): protection of information which is subject to an obligation of confidence, where the making available of the information –
 - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) would be likely otherwise to damage the public interest.

I am satisfied that, in the circumstances, there are no public interest considerations which render it desirable to make the information available.

In light of your interest in Mr Watson's application, I have set out some general information below. I also note that once a decision has been made on Mr Watson's application, further information will be made available to the public.

Background information

Mr Watson applied to the Governor-General for the Royal prerogative of mercy in respect of his murder convictions in November 2008. The Governor-General sought advice on the application from the then Minister of Justice, Hon Simon Power, who in turn asked the Ministry of Justice for advice on the application. After an initial appraisal of the application by the Ministry, Ms Kristy McDonald QC was appointed to provide advice on Mr Watson's application in 2009.

In 2011, Ms McDonald provided the Ministry with her formal advice and a copy of Ms McDonald's report was provided to Mr Watson's legal representatives for comment.

Mr Watson's legal representatives provided their submission on Ms McDonald's 2011 report. Their submission raised some matters that had not previously been raised. The Ministry sought further details and evidence from Mr Watson's legal representatives on these matters. Further information was provided in response to the Ministry's request between 2011 and 2012. That information was forwarded to Ms McDonald, with instructions to provide a supplementary report to the Ministry for its consideration.

Current status of Mr Watson's application

Mr Watson's application is still under consideration. I expect that the Ministry will provide the Minister with a report advising her on Mr Watson's application later this year.

You have the right, under section 28(3) of the Act, to complain to the Ombudsman about my decision to withhold information.

I hope this information is of assistance.

Yours sincerely



Jeff Orr
Chief Legal Counsel