

9 October 2018

Ross Francis  
By Email: [fyi-request-8651-ca39dee2@requests.fyi.org.nz](mailto:fyi-request-8651-ca39dee2@requests.fyi.org.nz)

Dear Mr Francis

**Official Information Request dated 11 September 2018**

I refer to your request for information to the Ministry of Justice (**Ministry**) under the Official Information Act 1982 (**Act**) on 11 September 2018. Your request was as follows:

*What obligations were contained in the earlier Rules of Professional Conduct under the Law Practitioners Act 1982 in regards to potential conflicts of interest? Please provide me with a copy of the relevant rules that existed in 2000 in regards to potential conflicts of interest.*

*While Phil Goff was Justice Minister, did the Justice Ministry inform him that an expert had cast considerable doubt on the reliability of the evidence given by the complainants in the Peter Ellis case? Please provide me with all records held by the Ministry informing Phil Goff of any concerns or criticisms about the evidence in the Ellis case. Please provide me with all records held by the Ministry informing Phil Goff about any concerns or criticisms about the trial of Ellis. Please provide me with all records held by the Ministry informing Phil Goff about any concerns or doubts about the safety of Ellis' convictions.*

*Please send me copies of letters to the Justice Ministry, in respect of the Ellis case, from Sir Thomas Thorp dated March 1999. Please also send me copies of communication from the Ministry to Thorp dated March 1999.*

*If any information in respect of this request is publicly available, please advise the location of the information.*

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

1. *What obligations were contained in the earlier Rules of Professional Conduct under the Law Practitioners Act 1982 in regards to potential conflicts of interest? Please provide me with a copy of the relevant rules that existed in 2000 in regards to potential conflicts of interest.*

This information relates to the content of repealed legislation and is publicly available. You may be able to find a copy of the legislation in a public library, or alternatively can find an electronic copy at [www.nzlii.org](http://www.nzlii.org) (search under Repealed Acts).

2. *While Phil Goff was Justice Minister, did the Justice Ministry inform him that an expert had cast considerable doubt on the reliability of the evidence given by the complainants in the Peter Ellis case? Please provide me with all records held by the Ministry informing Phil Goff of any concerns or criticisms about the evidence in the Ellis case. Please provide me with all records held by the Ministry informing Phil Goff about any*

*concerns or criticisms about the trial of Ellis. Please provide me with all records held by the Ministry informing Phil Goff about any concerns or doubts about the safety of Ellis' convictions.*

This question substantially repeats your earlier requests of 8 August 2018 and 14 August 2018, which we answered on 10 September 2018. There you requested "all records of any doubts or concerns that were brought to the attention of Graham and Goff by the Ministry between 1 March 1998 and 30 April 2002".

As we noted in that response, the Ministry's advice to the Minister relating to the case is contained in the briefings and reports provided by the Ministry during the course of the Ministerial inquiry. We have repeatedly advised you (for example, on 14 July 2017, 12 December 2016 and 7 February 2012) that we have already provided you with all records pertaining to the inquiry.

- 3. Please send me copies of letters to the Justice Ministry, in respect of the Ellis case, from Sir Thomas Thorp dated March 1999. Please also send me copies of communication from the Ministry to Thorp dated March 1999.*

As you may recall, in our previous letter to you of 1 December 2006 we have already provided you with the relevant documents in response to your broader request for "all information pertaining to Thorpe's report". We note that the scope of your present request would include Sir Thomas Thorp's draft report, which we have withheld on the grounds discussed with you on multiple previous occasions.

For completeness, we note that there is some further communication on the file in March 1999 between the Ministry and Sir Thomas, passing on additional answers and information which the applicant requested be provided to Sir Thomas for consideration. As you may be aware, applications for the Royal prerogative of mercy and any supporting information are confidential communications to the Governor General (as representative of the Sovereign), and we consider it important that the confidentiality and integrity of this process is maintained. We have accordingly withheld this information pursuant to s 9(2)(f)(i), s 9(2)(ba) and s 9(2)(a) of the Act, and do not consider that the need to withhold the information is outweighed by any public interest in disclosure.

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**