



19 May 1998

Lynley Hood
Box 2041
SOUTH DUNEDIN

Dear Lynley Hood

I am writing to you about requests for information, enquiries and interviews you have made (including interviews of Ministry officers) for a book on the Christchurch Civic Creche case.

I understand, from an informal discussion with the Ombudsman, Anand Satyanand, that in the course of your current research about the part of the Ministry of Education in the events surrounding the closure of the Civic Creche, some issues of doubt have arisen.

Mr Satyanand asked me to reconsider the Ministry's position on a brief of evidence, drawn up but not used, by Bede Cooper of the Ministry's Christchurch office. As you will know, this was intended to be used at Employment Court proceedings in 1995 if Bede Cooper was subpoenaed by the Christchurch City Council. In the event he was not.

When you requested this brief of evidence in 1997 it was properly withheld in accordance with legal professional privilege. Upon consideration, and in order to remove any uncertainty I have decided to waive the Ministry's right to privilege in relation to this particular document.

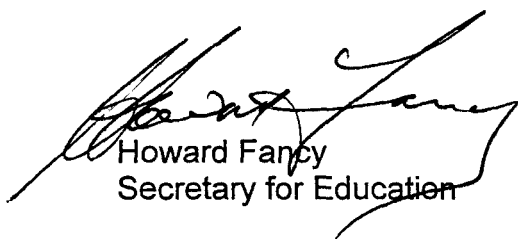
You should note in relation to the brief of evidence that there were several versions of it as it was refined in telephone discussions with Bede Cooper. It was first drafted by the solicitors acting for the City Council and then amended following discussions between Bede Cooper, the Crown Law Office, and the Ministry's Manager Legal Services to focus it more particularly on Bede's actual role.

I have decided to release all the drafts of the brief the Ministry holds so that you can see how it evolved during that process. As I have already mentioned, Bede Cooper was not called to give this evidence, but if he had been called, he was quite prepared to be cross-examined on it.

I am also releasing a statement made by Michael Deaker to the solicitors acting for the Christchurch City Council when they approached him, at the same time, in preparation for the same case.

The Solicitor-General has recently consulted me about a request you have made to his office concerning similar information. I have informed him that I am prepared to waive solicitor/client privilege with respect to the brief of evidence.

Yours sincerely



Howard Fancy
Secretary for Education