



Minister of Justice

27 MAR 2000

Winston H Wealleans

CHRISTCHURCH

Dear Mr Wealleans

I refer to your request under the Official Information Act 1982, dated 21 February 2000, regarding material relating to the Ellis case.

The report of Sir Thomas Thorp relating to the first two applications by Mr Ellis for exercise of the Royal prerogative of mercy is withheld under the following sections of the Official Information Act 1982:

- Section 6(c), which relates to prejudice of the maintenance of the law;
- Section 9(2)(f)(iv), which relates to the maintenance of constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- Section 9(2)(g)(i), which relates to the maintenance of the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown and officials; and
- Section 9(2)(h), which relates to the maintenance of legal professional privilege.

In relation to the grounds under section 9 of the Act outlined above, I have weighed my decision to decline your request against the test set out in section 9(1) of the Official Information Act 1982. In my opinion, however, there are no countervailing considerations which render it desirable, in the public interest, to make the information available.

Your request for “all copies of objections to the call for a Commission of Inquiry into the Peter Ellis case”, including all public, Government, and Parliamentary submissions, is declined under the following sections of the Official Information Act 1982:

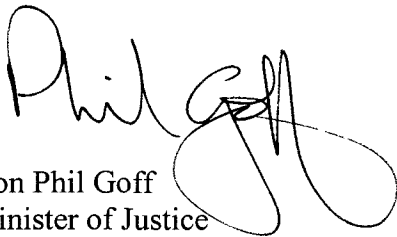
- Section 6(c), which relates to prejudice of the maintenance of the law;
- Section 9(2)(a), which relates to the protection of the privacy of natural persons, including the privacy of deceased persons;
- Section 9(2)(ba)(ii), which relates to the protection of information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest;

- Section 9(2)(f)(i), which relates to the maintenance of constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- Section 9(2)(g)(i), which relates to the maintenance of the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown and officials; and
- Section 9(2)(h), which relates to the maintenance of legal professional privilege.

Again, in relation to the grounds under section 9 of the Act outlined above, I have weighed my decision to decline your request against the test set out in section 9(1) of the Official Information Act 1982. In my opinion, however, there are no countervailing considerations which render it desirable, in the public interest, to make the information available.

You have the right, by way of complaint to an Ombudsman, to seek an investigation and review of the decision to refuse your request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Goff', with a large, stylized flourish at the end.

Hon Phil Goff
Minister of Justice