



9 September 2019

Kate MacNamara  
[fyi-request-10953-04c8e1ea@requests.fyi.org.nz](mailto:fyi-request-10953-04c8e1ea@requests.fyi.org.nz)

Dear Ms MacNamara

**Official Information Request**  
**Our Ref: SSCOIA 2019/0222**

I refer to your official information request received on 12 August 2019 for:

*"any records, including email, memos and phone transcripts, of legal advice given to Peter Hughes, provided either internally or externally, that suggest disciplinary action (including dismissal) that could be taken by the State Services Commissioner against Gabriel Makhlouf that would be commensurate with the findings concerning Mr. Makhlouf's conduct as established in the June 2019 investigation by John Ombler.*

*In particular, I want to know what courses of disciplinary action the Commissioner had available to him concerning Mr. Makhlouf, upon receiving the results of Mr. Ombler's investigation.*

*Was there a legal opinion provided to Mr Hughes that Mr. Makhlouf's failure to "act reasonably" in relation to the leak of budget information from Treasury in May warranted disciplinary measures?"*

**Information being withheld**

We have identified the two documents listed in the table below covered by your request that we have decided to withhold in full under section 9(2)(h) of the Official Information Act to maintain legal professional privilege. In making our decision, we have considered the public interest considerations in section 9(1) of the OIA.

Item	Date	Document Description	Decision
1	20 June 2019	Email from Crown Law to Nicola Purvis	Withheld in Full
2	21 June 2019	Email from Michael Heron QC to Nicola Purvis	Withheld in Full

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@ssc.govt.nz](mailto:Ministerial.Services@ssc.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the State Services Commission's website

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nicky Dirks', with a small blue dot above the 'i'.

Nicky Dirks  
**Managing Principal – Ministerial Services**  
**State Services Commission**