



Ross Francis

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- 9 OCT 2019

Dear Mr Francis

## Official Information Act 1982 request: Ministerial inquiry into Peter Ellis case

I refer to your email of 11 September 2019 to my office requesting the following information under the Official Information Act 1982 ('the Act'):

*On 10 March 2000, then-Justice Minister Phil Goff announced that a ministerial inquiry would be established into the Peter Ellis case. Former Chief Justice Sir Thomas Eichelbaum was chosen to chair the inquiry. Please provide me with all information and advice about the selection of Sir Thomas. Was Crown Law or any other agencies consulted about the selection of Sir Thomas? Was Phil Goff informed about Sir Thomas' relationship with the Ellis trial judge, Justice Neil Williamson? (In 1997, Sir Thomas said Williamson was a "model judge" who had conducted "many of the most difficult trials of his time", and "did so impeccably".)*

*On 8 March 2001, Phil Goff informed the Governor-General that Peter Ellis' application for a pardon should be declined. He repeated Sir Thomas Eichelbaum's (false) claims that both experts, Professor Davies and Dr Sas, "independently reached the view that the children's evidence in the conviction cases was reliable" and "allegations arising from the [conviction children's] later interviews did not generally form the subject of charges". Goff also claimed, wrongly, that "the jury was fully aware of the bizarre allegations made by some of the children".*

*Please send me all communication to and from Phil Goff's office about [sic] the Ellis case between 1 January 2001 and 30 April 2001.*

On 14 September 2019 you amended your request by adding the additional question below:

*...did officials draft a letter for Mr Goff before he wrote to the Governor General of 8 March 2001? If so, please supply me with a copy of any draft(s).*

I have only responded to those parts of your letter which are requests for official information under the Act.

By way of a general response to your enquiries, it is not the practice of the offices of Ministers of the Crown to retain the records and files of previous office-holders, much less those from almost 20 years ago. Information held by former Ministers will only be subject to the Act if it is held by a current Minister or agency subject to the Act.

In terms of your latest amended request, my office does not hold the files of the previous Minister of Justice which you seek. I must therefore refuse your request. I note that with requests for the same or similar information in the past you have asked that I not refer your requests to the Ministry of Justice (see for example your request to me of 19 December 2018). Accordingly, I have not transferred your requests to the Ministry. However, as you are aware, you may direct your requests to the Ministry for information held within their files on the Peter Ellis case.

You have the right under s 28(3) of the Act to complain to the Ombudsman regarding this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely



Hon Andrew Little  
**Minister of Justice**