



10 DEC 2019

Ross Francis

[fyi-request-11632-ce1d5d14@requests.fyi.org.nz](mailto:fyi-request-11632-ce1d5d14@requests.fyi.org.nz)

Dear Mr Francis

## Official Information Act 1982 request: Advice regarding the Peter Ellis case

I refer to your email of 10 November 2019 to my office requesting the following information under the Official Information Act 1982 ('the Act'):

*Please provide me with copies of all information or advice you have received about the Peter Ellis/Christchurch Civic Creche case since becoming Justice Minister.*

I have received information about the Peter Ellis / Christchurch Civic Creche case on two occasions since taking office:

- The first was in a briefing outlining the Royal prerogative of mercy upon my taking office in 2017. An appendix at the end of the briefing included a passing reference to the Peter Ellis case in a list of previous Royal prerogative applications.
- The second document is legally privileged and is withheld under s 9(2)(h) of the Act. I do not consider that the need to withhold the information is outweighed by any public interest in disclosure.

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

A handwritten signature in blue ink, appearing to be 'A Little', written over a faint blue circular stamp.

Hon Andrew Little  
**Minister of Justice**

## APPENDIX B

### ROYAL PREROGATIVE OF MERCY: SUCCESSFUL APPLICATIONS SINCE 1995

166 applications for the Royal prerogative of mercy have been made since 1995. This number includes applicants who have applied on more than one occasion in respect of the same or different convictions.

In 15 instances the prerogative of mercy was exercised to refer the applicant's case back to the courts for further consideration under section 406 of the Crimes Act 1961. No applicant received an outright pardon.

The following table gives details of the 15 successful applicants and the outcome of the referral.

APPLICANT	OFFENCES	COURT REFERRED TO	YEAR OF REFERRAL	OUTCOME OF APPEAL COURT HEARING
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Out of Scope

Peter Ellis	Sexual offences against children	Court of Appeal	1998	Appeal dismissed
Peter Ellis	Sexual offences against children	Court of Appeal (2 <sup>nd</sup> referral – wider terms of reference)	1999	

Out of Scope