

Hon Kris Faafoi

Minister of Justice
Minister for Broadcasting and Media
Minister of Immigration



24 September 2021

John Creser
fyi-request-16575-f5650498@requests.fyi.org.nz

Dear Mr Creser

Court of Appeal

I refer to your message received via the FYI website on 31 August 2021.

You have sought my opinion on two decisions of the Court of Appeal. You have asked “which one of the two decisions [I] consider correct”.

I am unable to comment on, or be involved in, the details of a specific case that has been considered by a Judge. This is because the judiciary must be, and be seen to be, free from interference by another branch of Government.

The Official Information Act 1982 applies to information that is held by a Minister of the Crown in their official capacity. However, it does not require Ministers to create information in order to provide an explanation or opinion. Therefore, your request is refused under s 18(g) of the Official Information Act 1982, on the basis that I do not hold this information, and I have no grounds for believing that the information is either held by, or connected more closely with the functions of, another Minister, department or local authority.

Thank you for writing.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kris Faafoi', written over a horizontal line.

Hon Kris Faafoi
Minister of Justice