

25 July 2014

Lindsay R Kennard
fyi-request-1804-58709451@requests.fyi.org.nz

Dear Lindsay Kennard

Official Information Act 1982 request: Scott Watson

Thank you for your request for official information, received through the FYI.org.nz website on 11 July 2014. You have requested, under the Official Information Act 1982 ("OIA"):

"Scott Watson Royal Prerogative Petition Report. I seek the release of all information considered by the Ministry and its appointed investigator Kristy McDonald QC and source documents, particularly the previously unreleased IPCA Report into the Op Tam investigation (particularly paras 11-13), so a comparison of actual wording can be made..."

Documents held by the Ministry

Mr Watson applied for the Royal prerogative of mercy in December 2008. From that date until December 2012, Mr Watson and his representatives submitted a significant amount of additional material in support of his application. All material was considered by Ms Kristy McDonald QC and, where appropriate, further inquiries were undertaken. It follows that the Ministry holds a substantial amount of information that falls within the scope of your request.

Your request

You have asked specifically for the Independent Police Conduct Authority report into the Operation Tam Investigation. We are in the process of considering this part of your request, and a response will be provided by 8 August 2014 unless you are otherwise advised that an extension has been made.

However, we ask that you please consider refining the remainder of your request. If it is not refined, it is likely to be refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collusion.

You may find the following material, which is publicly available, of assistance when considering whether and how to refine your request:

- The book “Trial by Trickery” and the DVD entitled “Murder on the Blade?” written and made respectively by journalist Mr Keith Hunter. This material formed an important part of Mr Watson’s application.
- Ms McDonald’s advice on Mr Watson’s application dated March 2011 and March 2013. The advice provides an overview of the key evidence submitted by and on behalf of Mr Watson in support of his application, and details Ms McDonald’s consideration of that evidence, and her conclusions in respect of it.
- The Ministry’s report on Mr Watson’s application dated 10 June 2013. The report provides a summary of Mr Watson’s application and Ms McDonald’s consideration of it. It also details the process for considering Mr Watson’s application and the Ministry’s advice on the application.

Ms McDonald’s advice and the Ministry’s report can be found on the Ministry’s website at: www.justice.govt.nz/services/miscarriages-of-justice/scott-watson-application.

Yours sincerely



Tania Warburton
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Office of Legal Counsel