

21 December 2023

C A Mattheiss
fyi-request-23552-4d6f25e0@requests.fyi.org.nz

Our ref: OIA 108314

Tēnā koe C A Mattheiss

Request for information from the Coroners Court file for Lewis Verduyn

Thank you for your request of 27 November 2023 to the Ministry of Justice (the Ministry) seeking, under the Official Information Act 1982 (the Act), copies of the medical and bank records relating the coroner's investigation into the death of Mr Lewis Verduyn.

Your request for medical records has been dealt with under OIA 108311, which confirms the Ministry provided you with the requested information. On 31 August 2023, the Chief Coroner agreed to make available to you, a full copy of Mr Verduyn's coronial file. I note however that you requested specific information from the file instead, and this was subsequently provided to you on 23 November 2023.

You have also requested all of the deceased's records, including bank records, stating "*the deceased's SBS bank records were never included by the assigned coroner*". In response, I must advise it is up to the presiding coroner to determine what evidence is considered as a part of their inquiry.

The coroner is *functus officio*, which means that now that the coroner has closed their inquiry, they no longer have the ability to continue to investigate the matter or request information once findings have been issued. Coronial Services or anyone from the Ministry are unable to make enquires on your behalf to seek further information relating to Mr Verduyn. The information you are seeking in this instance is not held by the Ministry but would need to be obtained from another person in order to respond to your request. Your request is therefore refused under s 18(g) of the Official Information Act 1982 because the Ministry does not hold any official information. The Ministry has provided you with all the available information requested from the Coroners Court file for Mr Verduyn under OIA 106180.

There are options available should you wish to request another coroner's inquiry to be opened. Under section 97 of the Coroners Act 2006, you have the option of applying to the Solicitor-General or the High Court for an order that another inquiry be opened regarding the matter. You must satisfy the Solicitor-General or High Court that another inquiry should be conducted because of fraud, rejection of evidence, irregularity of proceedings, or discovery of new facts or for any other sufficient reason.

The contact details for the Solicitor-General are:

Solicitor-General
Crown Law Office
DX: SP20208 | PO Box 2858
Wellington 6140

The contact details of High Courts across New Zealand can be found at:
www.courtsofnz.govt.nz/utilities/contact/courts/

The Ministry is unable to further assist with your request for information relating to Mr Verduyn or his Coroners Court case. We do however encourage you to seek independent legal advice on what options and avenues may be further available to you.

If you require any clarification of the information contained in this response, please contact Joe Locke, Media & Social Media Manager, on 021 636 416, or email media@justice.govt.nz

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by calling 0800 802 60; or emailing info@ombudsman.parliament.nz.

I trust this information assists.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'JRS', with a horizontal line extending to the right.

Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

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