

15 November 2023

Erika Whittome
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Ref: OIA 107841

Tēnā koe Erika

Official Information Act request: Publication of judgements

Thank you for your email of 18 October 2023 to the Ministry of Justice (the Ministry), requesting under the Official Information Act 1982 (the Act), information about the publication of COVID-19 related judgements by the courts. Specifically, you requested:

1. *Prior to this page's removal, would you please supply all the criteria for publishing a "Covid 19 related judgement" on this page of court decisions page:
<https://www.courtsfnz.govt.nz/judgments/covid-19-related-judgments/>*
2. *Would you kindly share the reasons why the following case which took place in the public court in 2022 which is Covid-19 related are not available on the NZ Courts decisions finder? -Whittome v Taupo Tennis and Ors CIV-2022 -069-000021,*
3. *Kindly share the memos, minutes and decisions which came about for the above publishing criteria of the page for "Covid-19 related Judgements.*
4. *Kindly share the memos, minutes and decision which came about for the removal of this page that used to be on your website <https://www.courtsfnz.govt.nz/judgments/covid-19-related-judgments/>*

In response to parts 1, 2 and 3 of your request, these questions were previously answered in the letter to you dated 7 August 2023 (ref. OIA 105857), attached with this response for your reference.

In response to part 4 of your request, any memos, minutes and decisions regarding the publication or removal of COVID-19 related judgments are court information so not subject to the Act. Courts are excluded from the definition of a public service agency in accordance with section 2(6)(a) of the Act.

Therefore, I am refusing your request under section 18(g)(i) of the Act, as the information sought is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

I can provide the following general information which may be of assistance. The District Court website publishes a selection of judgments from the criminal, family, youth and civil

jurisdictions of the District Court, including COVID-19 related judgments. These are selected against criteria and policy set by the District Court judicial leadership. These criteria and policy documents are court information that is not subject to the Act.

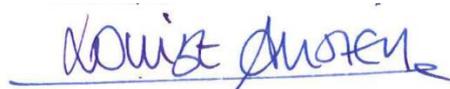
Due to the timeframes involved in approving and editing judgments for publication, District Court judgments are often not published online until sometime after the judgment is delivered. I have been advised that the Whittome judgment you refer to in part 2 of your request is currently under consideration for publication.

If you require any further information, please contact Media & Social Media Manager, Joe Locke, at media@justice.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry's website at: justice.govt.nz/about/official-information-act-requests/oia-responses

You have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email at info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Louise Ainsley
Manager, Ministerial Relations and Services