

4 April 2024

Ian Runciman

fyi-request-25850-4ec8cb43@requests.fyi.org.nz

OIA 110338

Tēnā koe Ian,

Request for POL 47 documents from Hamilton Coroners Court cases

I refer to your email of 23 February 2024 to the New Zealand Police (Police) requesting information under the Official Information Act 1982 (the OIA). Specifically, you requested:

“...please supply sudden death documents known as POL 47, between February 2020 and December 2023. Can we narrow down to Hamilton please.”

On 6 March 2024, Police transferred this part of your request to the Ministry of Justice (the Ministry) because the information requested is more closely connected with the functions of the Ministry.

On 13 March 2024, the Ministry advised that instead of providing the POL 47 documents, we could provide you with the number of closed cases notified to the Coroner between 1 February 2020 and 31 December 2023 that had a POL 47 document attached. As the Ministry did not receive a response, we are responding to your request as the Ministry initially received it. We have interpreted your request as being for POL 47 documents from closed Coroners Court files, where the death occurred in Hamilton and was notified to the Coroner between 1 February 2020 and 31 December 2023.

For the reasons that follow, the Ministry is refusing your request pursuant to s 18(g) of the OIA because the Ministry does not hold the information, and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

Only information specified in s 94(4) of the Coroner's Act 2006 is accessible in accordance with the OIA. This includes all depositions of evidence admitted for the purposes of the inquiry. These Coroners Court documents are 'held' by the Ministry for the purposes of the OIA, and may be requested from the Ministry as the responsible department.

All other Coroners Court information may only be accessed with the permission of the Chief Coroner. This includes POL 47 documents. The Coroners Court is part of the judicial arm of the government and is excluded from the operation of the OIA under s 2(6)(a).

POL 47 documents may be provided to the Coroner during the initial stages of a Coroners Court inquiry. POL 47 documents are not required to be given to the Secretary for Justice under the Coroners Act. Therefore, only POL 47 documents given to the Secretary as a result of being included in a deposition of evidence in the course of a Coroners Court inquiry will be available under the OIA.

The Ministry therefore does not hold copies of POL 47 documents from closed Coroners Court files where the death occurred in Hamilton and was notified to the Coroner between 1 February 2020 and 31 December 2023.

To the extent that Coroners Court files within scope of your request contain a POL 47 document, they may only be accessed with the permission of the Chief Coroner. You can request this permission via the Office of the Chief Coroner by emailing media@justice.govt.nz.

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 the decision regarding the Official Information Act 1982, you have the right to complain to the Ombudsman. You can contact the Office of the Ombudsman by calling 0800 802 602; 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