

5 November 2018

Ross Francis

fyi-request-8647-d751baf4@requests.fyi.org.nz

Dear Mr Francis

Response to Official Information Act requests

Our Ref: OIA353/1

1. I refer to your request for information on 10 September 2018, in which you requested information relating to the Peter Ellis case, which we extended for response until 6 November.

2. Your request stated:

What background checks (if any) did Crown Law carry out on Dr Dalenberg before it hired her? Was Crown Law aware that she had published no research into the interviewing of young child abuse victims? Did it ask Dr Dalenberg to amend any inaccuracies in her first affidavit? If so, what inaccuracies did Crown Law wish to have corrected? Please supply me with all information held by Crown Law about Dr Dalenberg at the time of her hiring.

At paragraph 10.2 of her first affidavit, Dr Dalenberg says “Lamb and Parsonson rarely mention that in the studies that show that children are quite suggestible, the children are often told that a trusted adult knows for certain that the ‘perpetrator’ committed the specific act, or that another adult was there at the time and knows that an event occurred?”. What studies (if any) was Dr Dalenberg referring to when she made that comment?

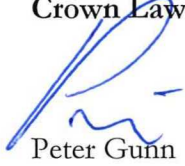
In 2000, when Crown Law nominated Thomas Lyon, Gail Goodman and Karen Saywitz as its experts for the Ministerial Inquiry into the Peter Ellis case, what factors influenced Crown Law’s decision to overlook Dr Dalenberg? Please provide me with all records held by Crown Law about Thomas Lyon, Gail Goodman and Karen Saywitz between 1 January 2000 and 31 July 2000.

3. We note you have made similar requests for information on this topic. Our position on such requests remains the same. We rely on Law Officer privilege for withholding information concerning work undertaken by this office in relation to the criminal appeals in the Peter Ellis matters. That work was undertaken on behalf of the Attorney-General as the Senior Law Officer. Any work that this office undertakes in this capacity is outside the scope of the Official Information Act. Our

views in this regard are supported by previous Ombudsman case notes on the Law Officer role, and we understand the Chief Ombudsman recently provided you with a final opinion confirming that Crown Law was entitled to refuse your most recent similar request on these grounds, as the information you had requested was not official information.

4. For completeness I note that even if that were not the case your request would be liable to be refused under section 9(2)(h) of the Official Information Act on the ground that legal professional privilege applied.
5. If you have any complaint about this response you may, if you wish, complain to an Ombudsman.

Yours sincerely
Crown Law



Peter Gunn
Team Manager

