

27 February 2019

Ross Francis

By Email: [fyi-request-9469-5e857ed5@requests.fyi.org.nz](mailto:fyi-request-9469-5e857ed5@requests.fyi.org.nz)

Dear Mr Francis

**Official Information Request dated 30 January 2019**

I refer to your request for information to the Ministry of Justice (**Ministry**) under the Official Information Act 1982 (**Act**) on 30 January 2019. Your request was as follows:

*"I have the following request to assist me with my research into the Peter Ellis case.*

*In March 2001, Sir Thomas Eichelbaum, Phil Goff and officials from the Justice Ministry met to discuss Sir Thomas' report. During the meeting, it appears someone suggested that the terms of reference for the ministerial inquiry may have been "too narrow." Someone talked about Justice Neil Williamson, the presiding judge at Ellis' trial. Williamson was referred to as an "exceptional criminal law Judge" and "NZs (sic) leading trial Judge". Why he was mentioned is unclear. The nomination of experts was discussed. Experts were nominated by "individuals who were slanted." Towards the end of the meeting, someone posed a question that potentially implicated all workers at the Civic Creche. "How would he [Ellis] have done this [without] crèche members knowing?"*

*According to records held by the Ministry, who were the officials who attended that meeting, and who recorded notes of the meeting? Who suggested the ministerial inquiry's terms of reference may have been too narrow? Who referred to Justice Williamson as an "exceptional criminal law Judge" and "NZs (sic) leading trial Judge"? Could an official have spoken so glowingly of the Ellis trial judge? Who said that experts were nominated by "individuals who were slanted", and who were the individuals referred to? Who suggested that other creche workers may have perverted the course of justice, and what was the response to the question re how Ellis acted without other creche workers knowing?*

*According to records held by the Ministry, what actions were undertaken by officials to ensure the ministerial inquiry complied with the requirements of natural justice? Please provide me with all records held by the Ministry about this matter, including all communication about officials wanting to treat Mr Ellis fairly.*

*What changes, if any, did Dr Sas make to her draft report? Please provide me with a copy of all changes, and a copy of Judith Ablett Kerr's comments about the experts' reports.*

We have divided your request into several parts, set out below:

1. *In March 2001, Sir Thomas Eichelbaum, Phil Goff and officials from the Justice Ministry met to discuss Sir Thomas' report [...] According to records held by the Ministry, who were the officials who attended that meeting, and who recorded notes of the meeting?*

From a review of our records in the relevant time-period, you appear to be referring to an untitled handwritten note dated 12 March 2001. It is not clear to us that this is a record of the meeting in question - we suspect it may have been preparatory notes or thoughts by one of the participants. The note is not titled and it is unclear who wrote it, although the files it was located in were maintained by Michael Petherick.

In relation to your other questions, we do not hold any further information on the note or the meeting. As you will know from our letter to you dated 7 December 2018, at the time the Ministry was also assisting the Minister of Justice with responses to journalists and OIA inquiries regarding the Peter Ellis case, which may be the context for the questions jotted down in the note.

2. *According to records held by the Ministry, what actions were undertaken by officials to ensure the ministerial inquiry complied with the requirements of natural justice? Please provide me with all records held by the Ministry about this matter, including all communication about officials wanting to treat Mr Ellis fairly.*

The Ministry has already provided you with all documents relating to the Ministerial Inquiry (ref. our recent letter to you of 9 October 2018).

3. *What changes, if any, did Dr Sas make to her draft report? Please provide me with a copy of all changes, and a copy of Judith Ablett Kerr's comments about the experts' reports.*

The first part of this question is a repetition of your request dated 22 November 2011, which we responded to on 20 January 2012. Our records do not indicate whether Dr Sas provided Sir Thomas with a draft report.

We do not hold any correspondence from Ms. Ablett Kerr commenting on the experts' reports.

You have the right under section 28(3) of the Act to complain to the Ombudsman regarding this response.

Yours sincerely



Jeff Orr  
Chief Legal Counsel