

Our ref 427980
Contact James Thomas
4 July 2016



Mr Vince Siemer
Spartan News
By email: vsiemer@hotmail.com

Dear Mr Siemer

**Official Information Act complaint
Ministry of Justice**

I am writing on behalf of Chief Ombudsman Peter Boshier.

I refer to your letter of 22 April 2016, concerning your complaint about a decision by the Ministry of Justice to refuse your request for information under the Official Information Act 1982 (OIA).

On 22 March 2016, you made a request for:

1. *The total paid by the government for the conference of judges at Chateau Tongariro in March 2016?*
2. *The room rate paid for the 53 judicial attendees?*
3. *A copy of the invitation to this event?*
4. *A copy of the official agenda?*
5. *Government attendees outside judiciary?*

On 12 April 2016, you received a response from the Judicial Office for Higher Courts, as follows:

1. *The total paid by the government for the conference of judges at Chateau Tongariro in March 2016?*
The total conference cost was \$98,365.
2. *The room rate paid for the 53 judicial attendees?*
There were 52 judicial attendees. The average room rate paid was \$182.60.
3. *A copy of the invitation to this event?*
There was no invitation prepared for this event.
4. *A copy of the official agenda?*

The agenda for the conference is not provided, as information relating to the educational and professional development of judges is generally not made publically available.

5. *Government attendees outside judiciary?*

Andrew Bridgman, the Secretary for Justice attended part of the conference.

In a further letter dated 13 May 2016, the Judicial Office for Higher Courts informed you:

As previously advised, the judicial conference agenda is held by the Judicial Office for Higher Courts as the administrative support arm of the judiciary. We hold this information on behalf of the judiciary who are not subject to the Official Information Act.

You have complained that your request for the official agenda was improperly refused, stating the fact that such agendas are generally not made publically available is not a lawful basis for such a refusal.

The Chief Ombudsman has determined that he has no jurisdiction to investigate the Ministry's refusal of this information because he is of the view that the Ministry's position is correct. The judicial conference agenda does not constitute 'official information' because it is held by the judiciary which is not subject to the OIA.

I draw your attention to provisions of section 2(1)(f) of the OIA which states that '[official information does not include any information which is held by an organisation] **solely** as an agent for the sole purpose of safe custody' (emphasis added). Thus, even though the Ministry holds this information, it does so solely for the purposes of the judiciary. It follows that no legal obligation to disclose the agenda under the OIA arises.

Yours sincerely



Catriona McDougall
Senior Investigator