



17 April 2023

Tēnā koe

On 20 March 2023 you emailed the Ministry of Social Development (the Ministry) with two requests and asked, under the Official Information Act 1982 (the Act), for the following information:

**Request One:**

- *In Ray there is a quote from Richardson P in R v Knight [1998] 1 NZLR 583. In his decision Wild J stated that the two leading cases (both from the Court of Appeal) as regards de facto relationships are Ruka and R v Knight. I have tried to find R v Knight on the internet but have been unsuccessful. Given its status re Wild J in Ray does MSD have a copy of R v Knight [1998] 1 NZLR 583? If so could I have a copy please and if not and it has a link to it, that link?*

**Request Two:**

- *You recently sent me copies of the four cases referred to in the reply:*
  - *Excell v Department of Social Welfare (1991)*
  - *Thompson v Department of Social Welfare (1993)*
  - *DW Ray v Department of Social Welfare (2000)*
  - *Batt v Department of Social Welfare (2000)*

*are these four cases all the cases referred to in the reply in paragraph 2 above when it was stated:*

*.. the statement you have inquired about is based on the Ministry's understanding .. and the case law in succeeding cases, which endorsed and refined the statements made by the Court of Appeal in Ruka v Department of Social Welfare*

*If not, what are the other cases the Ministry was referring to its reply? And I'd like to request copies of such cases.*

In regard to your first request, the Ministry does not hold a copy of R v Knight, therefore your request for this information is refused under section 18(e) of

the Act as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

Your second request asks about cases provided to you previously. The Ministry has now provided all cases to you to the best of our knowledge. As was noted in the Ministry's response to you on 17 March 2023, the Ministry does not have any new judgments, relevant to determining a de facto relationship, beyond those that have already been provided.

If you require further legal documents, you may wish to purchase a subscription to LexisNexis, an online platform that allows you to search a database of case law and court records. You may also wish to contact the Ministry of Justice as they hold case documentation, and some judicial decisions: <https://www.justice.govt.nz/about/document-finders/>

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response regarding case law with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

PP 

Bridget Saunders  
**Manager Issue Resolution**