
IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2012-404-1928

UNDER THE

Judicature Amendment Act 1972

IN THE MATTER OF

An application for judicial review and
application for order for interim relief
pursuant to section 8

BETWEEN

KIM DOTCOM

First Plaintiff

FINN BATATO

Second Plaintiff

MATHIAS ORTMANN

Third Plaintiff

BRAM VAN DER KOLK

Fourth Plaintiff

AND

ATTORNEY-GENERAL

First Defendant

AND

THE DISTRICT COURT AT NORTH
SHORE

Second Defendant

MINISTERIAL CERTIFICATE

August 2012

CROWN LAW
TE TARI TURE O TE KARAUNA
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MINISTERIAL CERTIFICATE

TO: Inspector Grant Wormald of the New Zealand Police

AND TO: The Commissioner of Police

AND TO: The Director of the Government Communications Security Bureau

1. I have read the letter of 15 August 2012 addressed to the Crown Law Office and signed by Mr P J Davison QC requesting:

“... disclosure of all information (if any) provided by the GCSB to the New Zealand Police (including OFCANZ) relating to any information or data intercepted or obtained by GCSB relating to Mr Dotcom, Megaupload and any associated parties.”

2. I have sought advice on the implications of this request from the Director of the GCSB. Having considered that advice and having read the relevant documents held by that agency I am satisfied that:

- 2.1 [Disclosing] the information requested would likely prejudice the security of New Zealand, both as referred to in Section 8(2)(c) of the Government Communications Security Bureau Act 2003, and generally by compromising the future supply of information and intelligence from law enforcement agencies and the intelligence services of foreign states with which New Zealand has long-established partnership arrangements.

- 2.2 [Disclosing] the information requested would likely prejudice the security of New Zealand in relation to the detection or prevention of serious crime by inhibiting the free and candid flow of information to and from the Bureau to an extent that would compromise the Bureau's functions in terms of Section 8(2)(c) of the Government Communications Security Bureau Act 2003.

3. I therefore object to the disclosure of any information in terms of the letter of 15 August 2012.

I direct that neither you nor any other person subject to this direction shall provide any information or answer any question in this proceeding or otherwise that may tend to disclose any such information as requested in the 15 August letter unless any Court with

the necessary jurisdiction holds that my objection has not been taken in accordance with law, or for any other sufficient reason.

Dated at Wellington this 16th day of August 2012.

A handwritten signature in black ink, appearing to read "Bill English". The signature is written in a cursive style with a horizontal line underneath it.

Hon Bill English
Acting Prime Minister of New Zealand