

19 July 2021

Grace Haden

By email: fyi-request-15894-1fdc2a40@requests.fyi.org.nz

Tēnā koe Ms Haden

**Official Information request - Crown solicitors acting as Pro Bono Prosecutors
Our Ref: OIA353/1**

1. I refer to your email of 24 June 2021 requesting information under the Official Information Act 1982 (OIA). In particular, you have asked for:
 - 1.1 Evidence of the dispensation for Crown Solicitors to prosecute matters for the Society for the Prevention of Cruelty to Animals.
 - 1.2 Documentation which Crown Law holds which relates to the ability of Crown Solicitors to offer their work pro bono for private prosecutions.
 - 1.3 In matters where pro bono services have been provided, who has paid for the services provided by the Crown Solicitor.
 - 1.4 A copy of the guidelines which exist or were given where dispensation has been granted as to the information passed to the court to ensure that the prosecution is not seen by the court as a Crown prosecution.
2. In relation to questions one and two, as has been previously explained to you, it is very common for Crown Solicitors to conduct non-Crown prosecutions and the Solicitor-General supports Crown Solicitors conducting prosecutions on behalf of the SPCA; whether on a pro bono or fee paying basis. In respect of question four - again, as has been previously noted in our correspondence with you - we strongly disagree there is any confusion about their role, with respect to Judges and other lawyers, when Crown Solicitors conduct prosecutions on behalf of the SPCA.
3. Crown Law does not hold the information you request at question three. If a Crown Solicitor appears on an SPCA prosecution, it is a matter between the Crown Solicitor and the SPCA whether they do so on a pro bono or fee-paying basis. Crown Law is not privy to how much, if anything, a Crown Solicitor is paid for any given prosecution on behalf of the SPCA. This part of your request is therefore declined under s 18(e) of the OIA.

4. In accordance with s 19 of the OIA I advise you have a right, by way of complaint under s 28(3) of the OIA, to seek an investigation and review of this decision by the Ombudsman.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read "Briar Charmley".

Briar Charmley
Crown Counsel