



19 December 2022

Attention: I Brown

By email: fyi-request-21242-0a8599b9@requests.fyi.org.nz

Tēnā koe

Official information request regarding Crown prosecutor numbers and fees
Our Ref: OIA353/1

1. I refer to your official information requests of 26 October 2022.¹ You requested the following.

Information regarding prosecutor numbers

- 1.1 The number of lawyers classified as *junior* prosecutor by Crown Law as at 1 July for the years 2017-2020.
- 1.2 The number of lawyers classified as *intermediate* prosecutor by Crown Law as at 1 July for the years 2017-2020.
- 1.3 The number of lawyers classified as *senior* prosecutor by Crown Law as at 1 July for the years 2017-2020.
- 1.4 The number of lawyers classified as *principal* prosecutor by Crown Law as at 1 July for the years 2017-2020.

You asked that the information at [1.1] to [1.4] to be provided in two ways.

- 1.4.1 The number of prosecutors at each classification level for the *whole of New Zealand*.
- 1.4.2 The number of prosecutors at each classification level working in *each "court cluster"*, as defined by Legal Aid.

Information regarding Crown prosecutor fees

- 1.5 A copy of the Crown Solicitors Terms of Office current as at:
 - 1.5.1 1 January 2015.
 - 1.5.2 1 January 2020.

¹ Pursuant to section 14 of the Official Information Act 1982, your requests were transferred from the Ministry of Justice to Crown Law on 2 December 2022.

1.6 Copies of all documents setting out Crown Solicitors' fees and disbursement rates generally and for each classification of prosecutor (as existed at the time) as at:

1.6.1 1 January 1995.

1.6.2 1 January 2000.

1.6.3 1 January 2005.

1.6.4 1 January 2010.

You requested the information at [1.6] cover both Crown prosecutions and prosecutions conducted by Crown Solicitors' offices on instruction from Government departments.

2. To contextualise the information we have provided in response to your requests, we note the following.

Information regarding prosecutor numbers

3. Crown Law holds data in respect of the number of classified Crown prosecutors at all levels of classification. However, that data cannot be isolated to determine the number of prosecutors at each classification level at a particular date.² Rather, the data reflects the number of classified prosecutors registered with Crown Law in each calendar year. Accordingly, the tables below are based on the number of classified prosecutors at each level of classification for the calendar years 2017-2020.

4. Because Crown Law does not utilise the "court cluster" definition adopted by Legal Aid, we are unable to specify the requested data on that basis. Instead, the number of classified prosecutors is recorded in the tables below against each of the 17 Crown Solicitor warrants that constitute the Crown Solicitor Network (and collectively account for the total number of classified Crown prosecutors across the country).

2017					
Location	Junior	Intermediate	Senior	Principal	Total
Auckland	67	35	17	9	128
Christchurch	5	8	5	3	21
Dunedin	0	1	1	1	3
Hamilton	4	1	6	2	13
Invercargill	3	1	1	1	6
Manukau	7	10	7	1	25
Napier/Gisborne	2	2	0	3	7

² In terms of your request, as at 1 July 2017-2020.

New Plymouth	3	0	1	2	6
Palmerston North	2	2	1	2	7
Rotorua	3	1	1	1	6
Tasman	1	2	2	1	6
Tauranga	2	4	4	1	11
Timaru	3	1	2	0	6
Whanganui	2	1	1	1	5
Wellington	7	10	9	4	30
Whangārei	0	7	3	1	11

2018					
Location	Junior	Intermediate	Senior	Principal	Total
Auckland	79	40	17	8	144
Christchurch	7	6	4	3	20
Dunedin	0	2	1	1	4
Hamilton	5	1	6	2	14
Invercargill	6	1	2	1	10
Manukau	10	15	5	2	32
Napier/Gisborne	3	2	0	3	8
New Plymouth	2	1	0	2	5
Palmerston North	5	2	1	2	10
Rotorua	4	0	1	1	6
Tasman	2	3	1	1	7
Tauranga	3	3	5	1	12
Timaru	2	2	2	0	6
Whanganui	2	2	1	1	6
Wellington	9	9	7	4	29
Whangārei	1	6	2	2	11

2019					
Location	Junior	Intermediate	Senior	Principal	Total
Auckland	96	34	19	8	157
Christchurch	4	11	4	2	21
Dunedin	0	2	1	1	4

Hamilton	6	2	4	2	14
Invercargill	5	1	2	1	9
Manukau	9	21	5	2	37
Napier/Gisborne	3	3	0	3	9
New Plymouth	2	1	0	2	5
Palmerston North	5	1	2	2	10
Rotorua	3	0	3	1	7
Tasman	2	2	1	1	6
Tauranga	3	2	5	1	11
Timaru	2	2	2	0	6
Whanganui	2	1	1	1	5
Wellington	10	10	6	4	30
Whangārei	4	6	1	2	13

2020					
Location	Junior	Intermediate	Senior	Principal	Total
Auckland	104	27	19	8	158
Christchurch	2	12	3	3	20
Dunedin	1	0	2	1	4
Hamilton	9	3	2	2	16
Invercargill	4	1	2	1	8
Manukau	14	20	7	3	44
Napier/Gisborne	2	3	0	2	7
New Plymouth	1	2	0	2	5
Palmerston North	6	1	2	2	11
Rotorua	3	0	2	1	6
Tasman	1	3	1	1	6
Tauranga	1	3	4	2	10
Timaru	2	2	2	0	6
Whanganui	3	1	1	1	6
Wellington	14	10	3	5	32
Whangārei	3	6	2	2	13

5. In terms of the above data, we note the following.
 - 5.1 Where an individual prosecutor changed classification in a year, they are recorded under the more senior of the two classifications they held that year.
 - 5.2 Where an individual prosecutor moved between Crown Solicitor offices in a year, they are recorded against the office at which they spent most of their time that year.
 - 5.3 An individual lawyer receiving Crown classification does not automatically translate into them carrying out Crown prosecution work. For example, the office of the Auckland Crown Solicitor has many of its solicitors classified as Crown prosecutors, but not all are engaged in Crown prosecutions.
 - 5.4 There is no obligation on Crown Solicitors to immediately advise Crown Law of an individual Crown prosecutor ceasing to carry out work in that capacity. Rather, Crown Law circulates an annual questionnaire across the Crown Solicitor Network which often results in Crown Solicitors providing updated lists of prosecutors with their offices. Accordingly, the figures contained in the above tables are not necessarily an accurate nor complete record.

Information regarding Crown prosecutor fees

Crown Solicitors Terms of Office: 2015 and 2020

6. We **enclose** copies of the Crown Solicitors Terms of Office as they existed at:
 - 6.1 1 January 2015 (**Tab 1**).
 - 6.2 1 January 2020 (**Tab 2**).

Crown Solicitors' fees and disbursement rates: 1995-2010

7. Prior to introduction of the "bulk funding" model in July 2013, and during the period you identify in your request,³ the Crown Solicitors Regulations 1994 (**Regulations**) governed the way Crown Solicitors charged for various categories of work undertaken on behalf of the Crown. The Regulations also applied in respect of work done for Government departments, which was billed to – and paid by – the department in question.
8. The Regulations are a public document and are available online at: <https://www.legislation.govt.nz/regulation/public/1994/0142/15.0/DLM192647.html>
9. As per your request, we **enclose** copies of the Certified Scales effective as at:
 - 9.1 1 January 1995 (**Tab 3**).⁴

³ 1 January 1995 to 1 January 2010.

⁴ Certified Scale of Fees, effective 1 August 1994. As the Regulations did not come into force until 11 July 1994, the Certified Scale for that financial year was not issued until 1 August 1994.

- 9.2 1 January 2000 (**Tab 4**).⁵
- 9.3 1 January 2005 (**Tab 5**).⁶
- 9.4 1 January 2010 (**Tab 6**).⁷
10. As the Regulations only covered “legal business of the Crown conducted by Crown Solicitors”,⁸ it was a matter for the offices of individual Crown Solicitors to determine their charging rates in respect of all other work (for example, work done for independent Crown entities and local Government bodies).

We may publish this response

11. Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law’s website if we decide proactive release of this information is or may be in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.

Your right of review

12. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.
13. If you wish to discuss this decision with us, please feel free to contact me.

Nāku, nā

Crown Law



Philip Coffey

Manager, Public Prosecution Unit

- [Encl]** **Tab 1:** Terms of Office as at 1 January 2015
Tab 2: Terms of Office as at 1 January 2020
Tab 3: Certified Scale of Crown Fees as at 1 January 1995
Tab 4: Certified Scale of Crown Fees as at 1 January 2000
Tab 5: Certified Scale of Crown Fees as at 1 January 2005
Tab 6: Certified Scale of Crown Fees as at 1 January 2010

⁵ Certified Scale of Fees, effective 1 July 1999.

⁶ Certified Scale of Fees, effective 1 July 2004.

⁷ Certified Scale of Fees, effective 1 July 2009.

⁸ Crown Solicitors Regulations 1994, reg 3(1).