



6 June 2024

Attention: Grace Haden

By email: [fyi-request-26161-0e027111@requests.fyi.org.nz](mailto:fyi-request-26161-0e027111@requests.fyi.org.nz)

Dear Ms Haden

**Official information request 15 May 2024**  
**Our Ref: OIA353/1**

1. I refer to your official information request dated 15 May 2024. You request a copy of “a document granting dispensation” to Crown Solicitors acting for the SPCA. You have identified a document dated 9 February 2018 and with the reference number CLO311/308.
2. The information you seek does not fall within the scope of the Official Information Act 1982 (OIA). The Ombudsman has held that information created and/or held by Crown Law while assisting the Solicitor-General in her Law Officer function is not subject to the OIA. One aspect of the Law Officer function is oversight of criminal prosecutions.
3. However, while this information is not subject the OIA, as a matter of courtesy we enclose a copy of the document you have requested. As you will see, it is a letter from the Deputy Solicitor-General (Criminal) to Crown Solicitors which “for the avoidance of doubt” purports to grant dispensation to act for the SPCA, but without expressing any view as to whether SPCA prosecutions are public or private ones.
4. As we noted in our response to your earlier request dated 19 March 2024, in that request you asked Crown Law to provide:

the “dispensation or any memoranda which officially states that the SPCA can be represented by the crown”, and which “also show that the supreme court case law [you refer to *S (SC 58/2019) v Vector Limited* [2020] NZSC 97] was considered before or after giving a private entity the right to representation by a crown solicitor.” Put another way, you ask Crown Law to provide: “...the date on which dispensation was given, copies of the document (sic) or memoranda which (sic) records this confirms dispensation for the terms of office in relation to the RNZSPCA and that in doing so the 2011 criminal procedure act and (sic) the views of the supreme court were considered.”
5. That request was declined as no such official dispensation document exists.

6. 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.
7. 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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.
8. If you wish to discuss this decision with us, please feel free to contact [oa@crownlaw.govt.nz](mailto:oa@crownlaw.govt.nz).

Yours faithfully

**Crown Law**

A handwritten signature in black ink, appearing to read 'Jo Mildenhall', written over a light grey dotted background.

Jo Mildenhall  
Crown Counsel

**Encl**      SPCA dispensation