



11 June 2024

Attention: Requestor

By email: [fyi-request-26801-3d19991c@requests.fyi.org.nz](mailto:fyi-request-26801-3d19991c@requests.fyi.org.nz)

Tenā koe

**Official information request for details about Crown Solicitor warrants**  
**Our Ref: OIA353/1**

1. I refer to your official information request of 14 May 2024 in which you asked the following six questions.
  - 1.1 Is a warrant limited to a specific region?
  - 1.2 Does a warrant permit a law firm (holder) to prosecute outside of its specified region?
  - 1.3 Are there special circumstances where the holder of a warrant acting for and on behalf of the Crown may be permitted to act outside the limits of their specified region?
  - 1.4 Does a warrant permit a holder to act in civil proceedings?
  - 1.5 Does a warrant permit a holder to act in Māori Land Court and/or Māori Appellate Court proceedings?
  - 1.6 Whereas holders of a Crown warrant act for and on behalf of the Crown, in that capacity and under that scope; why are holders (private firms) not subject to the Official Information Act?
2. As you have asked for answers to a series of specific questions rather than for the release of official information, your request largely falls outside the scope of the Official Information Act 1982 (**OIA**). However, in the interest of providing reasonable assistance, we identify the following that contains information relevant to your queries.

**Crown Solicitors: Terms of Office**

3. The *Crown Solicitors: Terms of Office* set out the terms of office for all Crown Solicitors from 1 July 2013 and are publicly available, [here](#).

4. Paragraphs [7] and [11] confirm the work a Crown Solicitor must carry out under their warrant, in the region covered by the warrant appointment.
5. Paragraph [12] confirms Crown Solicitors are expected to co-operate and assist one another as necessary to ensure the effective provision of Crown prosecution services throughout New Zealand (which can include conducting prosecution work outside their warranted region).
6. There is no list of “special circumstances” in which a Crown Solicitor can conduct prosecution work outside the region covered by their warrant. By way of example, [15] provides cases involving actual or perceived conflicts of interest may necessitate this.
7. Apart from the restrictions detailed at [16], nothing in the Terms of Office prevents Crown Solicitors from acting in civil, Māori Land Court, or Māori Appellate Court proceedings.

#### **Crown Solicitors and the Official Information Act**

8. Section 12(1) of the OIA says a request may be made to “...a department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture or Minister of the Crown or organisation..” A Crown Solicitor’s office is not a “department”, “departmental agency”, “interdepartmental venture” or “Minister”. Nor does it fall within the definition of “organisation” in s 2 of the OIA. Crown Solicitors are therefore not subject to the OIA.

#### **Proactive release**

9. 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 to an investigation and review**

10. 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.
11. If you wish to discuss this decision with us, please feel free to contact [ppu@crownlaw.govt.nz](mailto:ppu@crownlaw.govt.nz).

Nāku noa, nā

**Crown Law**



Philip Coffey  
Manager, Public Prosecutions Unit