

23 March 2018

By Email: fyi-request-7349-6cf5180d@requests.fyi.org.nz

Dear Sir/Madam

RE: Official Information request - Summary of requests made under MACMA and Harare Scheme
Our Ref: OIA353/1

I refer to your email of 28 February seeking information about mutual legal assistance requests received by the Crown Law Office. You asked for the following information under the Official Information Act 1982 (OIA):

1. Number of mutual legal assistance requests from foreign countries received by the Crown Law Office (classified by countries) in last 5 years under the Harare Scheme and Mutual assistance in criminal matters act(1992).
2. Number of requests accepted by Crown Law Office under Harare Scheme in last 5 years to serve summons/execute warrants.
3. Number of requests accepted/refused by Crown Law Office under MACMA (1992) in last 5 years to serve summons/execute warrants if ground of dual criminality failed, classified by crime if possible.
4. Number of requests refused by Crown Law Office under MACMA (1992) and Harare Scheme in last 5 years to serve summons/execute warrants on ground that the said crime is trivial in nature, classified by crime if possible.
5. Costs occurred in ordered to execute the requests if they were accepted in past 5 years?

This information is held by the Crown Law Office in the Solicitor-General's practical exercise of her Law Officer functions. The Solicitor-General as a Law Officer is not subject to the OIA. The Ombudsman has confirmed on a number of occasions that information held by the Attorney-General in his Law Officer function is not official information and cannot be accessed under the OIA (Case No.W41067). The same applies to the Solicitor-General when acting in her role as a Junior Law Officer (s 9 Constitution Act 1986; Case No.W44280; *Berryman v Solicitor-General* [2005] NZAR 512). Accordingly, your request for information is formally refused on the basis that the OIA does not apply to the information sought.

If you are dissatisfied with this response, you have the right to complain to the Ombudsman under s 28 of the OIA.

Yours faithfully
Crown Law

A handwritten signature in blue ink, consisting of two distinct, wavy strokes.

Merran Cooke
Crown Counsel