

30 July 2014

Katherine Raue

By email: fyi-request-1840-d3259089@requests.fyi.org.nz

Dear Ms Raue

Official Information Act Request
Our Ref: OIA353/1

1. I refer to your email of 25 July 2014 requesting information under the Official Information Act 1982 (OIA) about:
 - 1.1 The decision to prosecute in *R v M*; and
 - 1.2 The costs of the prosecution.

The decision to prosecute

2. The original decision to prosecute will have been made by the New Zealand Police and accordingly I am transferring this part of your request to the Police pursuant to s 14(b)(ii) of the OIA. You will receive a response from them in due course.
3. The Crown Solicitor responsible for the matter will also have independently reviewed the file and made her own decision to prosecute following the accused being committed for trial. I am unable to transfer your request to the Crown Solicitor as Crown Solicitors are not subject to the OIA. Crown Law does not hold any information about the decision to prosecute as we are generally only involved in individual cases for the purpose of an appeal, which will take place after the decision to prosecute has already been made.

The costs of the prosecution

4. We only have information about the costs funded by Crown Law, namely the fees of the Crown Solicitor who conducted the prosecution from the point at which M was committed for trial. There will have been other costs to the Crown incurred by the Police (for investigating the matter and for prosecuting the matter pre-committal) and other agencies (such as the Ministry of Justice and Department of Corrections) in the investigation and/or prosecution as well. You would need to request information from those agencies about their costs.
5. Further we only have information about costs of individual cases conducted by Crown Solicitor up to 1 July 2013. Since that date Crown Solicitors have operated in

a bulk funding environment and do not invoice us for individual cases, so it is not possible to identify the cost to Crown Law of any one case in particular. We can however advise the number of hours that have been spent since 1 July 2013.

6. The fees paid by Crown Law to the Crown Solicitor at New Plymouth for this matter, for work done between February 2013 and 30 June 2013, total \$3,358.19 including GST and disbursements. In addition, since 1 July 2013 the Crown Solicitor has reported a total of 105 hours spent on this matter. This will include time spent in Court as well as preparation and other work.
7. Crown Law conducted the appeal to the Court of Appeal. Crown Law Office staff are salaried workers and only present invoices for their work in certain circumstances. While generally the legal staff record their time, not all time within Crown Law is recorded. The time recorded will therefore represent the minimum time spent. There is generally no record at all of the time spent by legal support staff and other non-legal staff.
8. With that caveat in mind, our records show Crown Law staff have spent a total of 45.67 hours on this matter, which will have included time spent considering the Crown Solicitor's request for an appeal before a decision to appeal was made by the Solicitor-General, time spent preparing for the appeal and appearing in Court.
9. In accordance with s 19 of the OIA we 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.

Yours sincerely
Crown Law



Charlotte Brook
Crown Counsel