



16 August 2022

Rob Sewell

By email: [fyi-request-19989-a25bccc5@requests.fyi.org.nz](mailto:fyi-request-19989-a25bccc5@requests.fyi.org.nz)

Dear Mr Sewell

**Your OIA Request**  
**Our Ref: OIA353/1**

1. We refer to your request of 22 July 2022 under the Official Information Act 1982 (OIA) seeking:
  - 1.1 All Crown Law policies relating to gender diverse and/or sexual diverse (LGBTIQ+, Takatāpui, queer) people appearing as defendants, witnesses and/or complainants in Crown prosecuted criminal court cases.
  - 1.2 All Crown training policies relating to the staff interactions (including examination and cross-examination) with gender diverse and sexually diverse ((LGBTIQ+, Takatāpui, queer) people.
  - 1.3 All documents identified in relation to question [b].
2. In response to your first question, we advise that, while the Solicitor-General maintains oversight of the conduct of public prosecutions (Criminal Procedure Act 2011, s 185) and the Crown Law Office conducts criminal appeals arising out of Crown prosecutions, the Crown Law Office does not itself conduct prosecutions. Rather, Crown prosecutions are conducted by the Crown Solicitors' offices in each district. Crown Solicitors are primarily responsible for training the prosecutors they employ, and for implementing appropriate policies for their prosecutors' conduct. Other than the general guidance provided for Crown Solicitors and prosecutors in the Crown Solicitors' Terms of Office and the Solicitor-General Prosecution Guidelines, Crown Law does not have specific policies on prosecutorial conduct, including any policy on "gender diverse and/or sexually diverse (LGBTIQ+, Takatāpui, queer) people appearing as defendants, witnesses and/or complainants in Crown prosecuted criminal court cases".

3. With respect to your second question, we have been unable to identify any Crown Law training material relating to staff interactions with LGBTIQ+, Takatāpui, queer people.
4. Recently a Senior Advisor - Capability and Culture has been appointed. It is anticipated that person's future pieces of work would likely include an inclusion and diversity strategic plan, an Inclusion and Diversity policy, and other initiatives that will support Crown Law to raise awareness of the domains associated with (among other things) gender identity, gender expression, anatomical sex, and sexual or romantic connection.
5. The office utilises a cross-agency resource which has been developed - the Te Puka Ārahi i te Reo Tuwhera mō te Ranga Aniwaniwa | Rainbow inclusive language guide. The guide explains how to use inclusive language for Rainbow communities and the importance of doing so in the Public Service. Te Kawa Mataaho's the Public Service Commission's intention is to ensure all our Public Service Rainbow colleagues, and the Rainbow communities we serve, feel that they are treated respectfully and inclusively.
6. In response to your third request the guide is published on Te Kawa Mataaho's website at <https://www.publicservice.govt.nz/our-work/diversity-and-inclusion/rainbow-inclusive-language-guide>
7. The Solicitor-General (and Chief Executive of Crown Law) is the Chief Executives' "rainbow champion" – part of the collective mahi chief executives do across the public service to grow inclusion and diversity in public service agencies.
8. With exception of the guide the remainder of your request is declined under section 18(e) of the OIA because the document alleged to contain the information requested does not exist or cannot be found. For completeness, we note that no similar information is readily available.
9. You have a right, by way of complaint under s 28(3) of the OIA to an Ombudsman, to seek an investigation and review of the refusal.

Yours faithfully

**Crown Law**



Ken Stephen  
Senior Crown Counsel