



18 April 2024

Attention: Grace Haden

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

Tēnā koe Ms Haden

**Official information request 19 March 2024**

**Our Ref: OIA353/1**

1. I refer to your request under the Official Information Act 1982 (**OIA**) dated 19 March 2024 concerning Crown Solicitors' involvement in SPCA prosecutions.
2. In particular, you ask 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 and (*sic*) the views of the supreme court were considered."
3. As we have previously explained to you, the Solicitor-General supports Crown Solicitors' involvement in SPCA prosecutions and does not require individual dispensations to be sought in the same way as for other private prosecutions. There is therefore no particular document evidencing dispensation, and none is required (as it is the Solicitor-General herself who requires dispensation to be sought, it is not a legal requirement).
4. The extent to which Crown Law considers, and the position Crown Law takes on, any particular case is legally privileged. The Crown is not therefore required to disclose its legal reasoning to you and, to the extent you request it, your request is declined under s 9(2)(h) of the OIA. Without prejudice that position, as a matter of courtesy I can confirm we are aware of the Supreme Court decision to which you have referred as Crown Law represented the Attorney-General in that matter.
5. 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.

6. If you wish to discuss this decision with us, please contact [oa@crownlaw.govt.nz](mailto:oa@crownlaw.govt.nz).

Nāku noa, nā  
**Crown Law**

A handwritten signature in blue ink, appearing to read 'Briar Charmley', is written over a faint, light blue circular watermark or stamp.

Briar Charmley  
Team Manager / Crown Counsel