

30 April 2026

Lance D. Lavery

By email: fyi-request-34366-9703e84b@requests.fyi.org.nz

Tēnā koe Lance

Official information request regarding Supreme Court judgment in *G (SC 130/2024) v R [2026] NZSC 19*
Our Ref: OIA-2526176

I refer to your official information request dated 3 April 2026 for:

1. *All advice, memoranda, or briefings prepared by the Crown Law Office for the Attorney-General, the Solicitor-General, or any Minister regarding G (SC 130/2024) v R [2026] NZSC 19 or the sentencing of aged-out youth offenders.*
2. *All correspondence between the Crown Law Office and the Ministry of Justice, the Parliamentary Counsel Office, the Ministry for Children | Oranga Tamariki, the Department of Corrections, or the New Zealand Police regarding G (SC 130/2024) v R [2026] NZSC 19 or any legislative or policy response to that decision.*
3. *Any proposed amendments, updates, or supplementary guidance to Crown Law's prosecution guidelines on sentencing arising from G (SC 130/2024) v R [2026] NZSC 19.*
4. *Any assessment prepared by Crown Law regarding the interaction between G (SC 130/2024) v R [2026] NZSC 19 and sections 9B–9F of the Sentencing Act 2002.*

The information you requested relates to the Attorney-General and Solicitor-General's constitutional roles as Law Officers of the Crown. The Attorney and Solicitor-General, in this capacity, are not subject to the Official Information Act 1982.¹ The work that the Crown Law Office does to assist them with their Law Officer role is also not subject to the Official Information Act.² In particular, criminal appeals we conduct on behalf of the Crown is a law officer function, as reflected in the duty of the Solicitor-General to conduct all criminal appeal hearings under s 322 of the Criminal Procedure Act 2011. Any advice, briefing or assessment regarding a criminal appeal prepared by the Crown Law Office is prepared pursuant to the law officer function.

We add that if this information did fall within the scope of the Act, we would have refused your request under s 9(2)(h), on the basis that the information is subject to legal professional privilege, and the necessity to maintain that privilege outweighs any public interest in its release. Legal advice from the Crown Law Office to the Solicitor-General, Attorney-General, Ministers or Crown

¹ See Sir Brian Elwood *Request for legal advice provided to the Attorney-General* (February 2019, Case No W41067). This can be accessed by visiting: <https://www.ombudsman.parliament.nz/resources/request-legal-advice-provided-attorney-general>

² See Sir Brian Elwood *Request to Crown Law Office for legal advice given to Minister* (January 2019, Case No W44062). This can be accessed by visiting: <https://www.ombudsman.parliament.nz/resources/request-crown-law-office-legal-advice-given-minister>.

prosecutors is subject to legal advice privilege. Litigation privilege may also apply. Any draft or proposed legislation would also be subject to privilege. We consider there is no demonstrably clear public interest in disclosing the information requested.

I confirm that Crown Law has briefed the Attorney-General on *G (SC 130/2024) v R*, and that briefing has been shared with the Minister of Justice. I understand email correspondence confirming that has been shared with you by the Ministry of Justice (with appropriate redactions for legal privilege).

As you may be aware the current Solicitor-General's Prosecution Guidelines are publicly available.³ If any amendments are made to these Guidelines in future these will become publicly available in due course.

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.

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 or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact OIA@crownlaw.govt.nz.

Nāku noa, nā

Crown Law



Zannah Johnston

Senior Crown Counsel

³ <https://www.crownlaw.govt.nz/publications/prosecution-guidelines>