

6 May 2026

Lance D. Lavery

By email: [fyi-request-34444-9109e481@requests.fyi.org.nz](mailto:fyi-request-34444-9109e481@requests.fyi.org.nz)

Tēnā koe Lance

**Official information request for documents created following *R v Harris* and the Supreme Court judgment in *Tamihere v R* [2026] NZSC 22  
Our Ref: OIA-2526178**

I refer to your official information request dated 9 April 2026 for:

1. *Any policy, guideline, protocol, or practice direction issued by the Solicitor-General or the Crown Law Office governing the use of prison informant evidence in criminal prosecutions, including any version issued, updated, or reviewed following Harris's perjury conviction in September 2017.*
2. *Any internal review, audit, lessons-learned report, or assessment conducted by Crown Law following Harris's perjury conviction in September 2017, relating to the use of informant evidence in criminal prosecutions generally.*
3. *Any ministerial briefing provided to the Minister of Justice regarding the Tamihere case, excluding information subject to legal professional privilege in respect of active retrial proceedings.*
4. *Any correspondence between Crown Law and New Zealand Police regarding changes to practice or policy on the use of prison informant evidence following the Tamihere prosecution.*

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 (the Act).<sup>1</sup> The work that the Crown Law Office does to assist them with their Law Officer role is also not subject to the Act.<sup>2</sup> In particular, that law officer function includes the Solicitor-General's oversight of public prosecutions and Crown Law's conduct of criminal appeals on behalf of the Crown (reflected in the duties of the Solicitor-General under ss 185 and 322 of the Criminal Procedure Act 2011). Pieces of advice, briefings, or assessments regarding a criminal case or 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 New Zealand

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<sup>1</sup> See Sir Brian Elwood *Request for legal advice provided to the Attorney-General* (February 1999, Case No W41067). This can be accessed by visiting: <https://www.ombudsman.parliament.nz/resources/request-legal-advice-provided-attorney-general>

<sup>2</sup> See Sir Brian Elwood *Request to Crown Law Office for legal advice given to Minister* (May 2000, Case No W44062). This can be accessed by visiting: <https://www.ombudsman.parliament.nz/resources/request-crown-law-office-legal-advice-given-minister>.

Police is subject to legal advice privilege. Litigation privilege may also apply. We consider there is no demonstrably clear public interest in disclosing the information requested.

In respect of the information you requested at item 1 above, the current Solicitor-General's Prosecution Guidelines, including the guideline on Inmate Admissions, are publicly available.<sup>3</sup> Those guidelines were updated in 2024. The earlier version of the guideline on Inmate Admissions, published in 2021, is also publicly available.<sup>4</sup>

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.

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

Nāku noa, nā  
**Crown Law**



Rebecca Thomson  
Crown Counsel

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<sup>3</sup> Inmate admissions | Ngā whāki ā-mauhere (as at 1 January 2025), available at: <https://www.crownlaw.govt.nz/prosecution-guidelines/inmate-admissions>.

<sup>4</sup> Solicitor-General's Guidelines for Use of Inmate Admissions (as at 6 August 2021), available at: <https://www.crownlaw.govt.nz/assets/Uploads/Prosecution-Guidelines/Solicitor-Generals-Guidelines-for-Use-of-Inmate-Admissions-Evidence.pdf>.