

31 May 2021

K Roe
FYI

By email: fyi-request-15465-c6480a4b@requests.fyi.org.nz

Tēnā koe,

Official Information Act Request
Our Ref: OIA353/1

1. I refer to your email of 16 May 2021 to the Ministry of Justice seeking information under the Official Information Act 1982 (OIA). As advised by the Ministry of Justice on 19 May 2021, your request was transferred to Crown Law.
2. You requested the following:
 - 2.1 What government departments/agencies employ government prosecutors who can prosecute alleged criminal offences on behalf of the government?
 - 2.2 Who the people are (or perhaps what roles there are) who or that have the authority to instruct the government prosecutors to actively get busy in prosecuting alleged criminal offences on behalf of the government?
3. Based on our records, there are currently 12 government agencies that employ in-house prosecutors, they are:
 - Department of Conservation
 - Department of Corrections
 - Department of Internal Affairs
 - Financial Markets Authority
 - Inland Revenue
 - Ministry of Business, Innovation and Employment
 - Ministry of Health
 - Ministry for Primary Industries
 - Ministry of Social Development
 - New Zealand Police

- Serious Fraud Office
 - WorkSafe.
4. It is for the agency to decide whether they proceed with a prosecution. An assessment will be done based on information which they already have, find or receive. This can include information received from members of the general public.
 5. Prosecutions should be initiated or continued only where the test for prosecution, as specified in the [Solicitor-General's Prosecution Guidelines](#), is met. The test has two parts – the evidential test and the public interest test – and both need to be met if a prosecution is to be pursued.
 6. You have the right, by way of complaint to the Ombudsman under section 28(3) of the OIA, to seek an investigation and review of our decision on your request for information.

Nāku noa, nā

Crown Law



Philip Coffey
Manager, Public Prosecutions Unit