



21 February 2023

By email: fyi-request-21820-1217fef0@requests.fyi.org.nz

Tēnā koe,

Official information request relating to Crown Solicitor appointment
Our Ref: OIA353/1

1. I refer to your official information request of 13 February 2023, which was transferred to Crown Law by the Ministry of Justice. In that, you ask for information about the process of appointing Crown Solicitors, specifically:
 - 1.1 what the process entails (including any “procedure flow chart”);
 - 1.2 whether “public nominations” are called for when appointing Crown Solicitors (and if so, how); and
 - 1.3 whether there is a limit on the number of Crown Solicitors that can be appointed.
2. To the extent we hold information on these matters, that is detailed below.

Crown Solicitor appointment process

3. There is no prescribed process for appointing Crown Solicitors. Nor is there a “procedure flow chart” detailing the process. However, the process of appointing a Crown Solicitor generally involves the following stages.
 - 3.1 **The application stage:** By way of advertisement,¹ the Solicitor-General invites expressions of interest from suitably qualified law practitioners who are interested in applying for appointment as Crown Solicitor in the particular district (e.g. Tāmaki Makaurau/Auckland). During this stage, those interested in applying are encouraged to seek clarification and ask questions about the appointment process and criteria, as required.
 - 3.2 **The short-listing stage:** The number of applicants to be shortlisted is not pre-determined but is instead decided by reference to the number and quality of applications received. Applicants are advised if their proposal is to progress to the next stage.
 - 3.3 **The evaluation stage:** The evaluation stage involves interviewing the applicant(s); meeting with partners proposing to support the warrant

¹ For the recent appointment process relating to the Tāmaki Makaurau | Auckland Crown Solicitor, advertisements were placed with the New Zealand Law Society’s LawPoints publication and website, the Auckland District Law Society’s LawNews publication, the Government Legal Networks jobs and secondments update, and the New Zealand Herald.

holder; obtaining feedback from members of the judiciary, representatives of the New Zealand Police and other stakeholders; and an assessment of application documents and applicant interviews by an evaluation panel (chaired by the Deputy Solicitor-General (Criminal)) against evaluation criteria.

- 3.4 **The formal appointment stage:** The successful applicant is appointed on the recommendation of the Attorney-General and by warrant of the Governor-General. The formal appointment process involves completion of appointment documentation. The successful applicant is notified once that process is complete.

Public nominations

4. While the Crown Solicitor appointment process involves meeting with and interviewing key stakeholders² to obtain their feedback on short-listed applicants, that does not extend to inviting public nominations.

The number of Crown Solicitors that can be appointed

5. There is no statutory limit on the number of Crown Solicitors that can be appointed. The Crown Solicitor Network currently consists of 17 Crown Solicitors who are partners in private law firms throughout New Zealand.³ It is only when an existing Crown Solicitor resigns, or the term of their warrant expires, that the process of appointing a new Crown Solicitor (or re-appointing an incumbent Crown Solicitor) takes place.

Proactive release

6. 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.
7. 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.

Nāku noa, nā

Crown Law



Philip Coffey
Manager, Public Prosecutions Unit

² Including members of the judiciary, representatives of the New Zealand Police, and senior members of the defence Bar and the Public Defence Service.

³ A list of the current Crown Solicitors is publicly available at: <https://www.crownlaw.govt.nz/about-us/crown-solicitor-contacts/>