



**Te Tari Ture  
o te Karauna**  
Crown Law

**19 December 2023**

**Media statement on behalf of Solicitor-General**

**SOLICITOR-GENERAL COMMENCES PALMERSTON NORTH CROWN SOLICITOR REVIEW**

Former Judge of the Court of Appeal Hon Tony Randerson CNZM KC has been instructed by the Solicitor-General Una Jagose KC to conduct an independent assessment into the facts concerning issues of non-disclosure by the Palmerston North Crown Solicitor raised in a recent High Court decision.

The decision of Justice Rebecca Ellis in *R v Johnson & Brattle-Hemara Haena* ordered costs against the Crown Solicitor at Palmerston North, Mr Ben Vanderkolk, in respect of failures to meet certain disclosure obligations. The Crown Law Office has previously confirmed that the matter required review as part of the Solicitor-General oversight function for Crown prosecutions.

Mr Vanderkolk has been cooperating with Crown Law from the outset and confirmed that a review as a result of the judgment is appropriate and expected.

The Solicitor-General, Una Jagose KC, confirms:

“At the end of November, I instructed the Hon Tony Randerson CNZM KC, a former Judge of the Court of Appeal, to conduct an independent assessment into the facts concerning non-disclosure issues raised by Ellis J’s judgment leading to the costs award. Mr Randerson has worked with us to agree a process and will interview any person he considers necessary. He will provide me and the Deputy Solicitor-General Criminal, Madeleine Laracy, with a confidential report as to the facts, and as to the current criminal disclosure arrangements in the Crown Solicitor’s office.

The report will inform my own review as to whether the Crown Solicitor has performed to the level expected by the Terms of Office for Crown Solicitors. A public statement will be issued once my review has been completed. That is consistent with the legitimate public interest in this matter.

The Crown Law Office does not intend to release any information about the assessment and review process prior to the review being completed. Confidentiality is essential as a matter of fairness and to ensure the full and willing cooperation of people to be interviewed. We anticipate that the report will be completed in the first half of 2024.

Given the understandable public interest in this matter the Crown Solicitor and I both consider that the Terms of Reference should be published.”

The Terms of Reference for the investigation are available [here](#).

## **About reviews of Crown Solicitors**

Reviews are part of the normal and regular oversight of Crown Solicitors, either in response to a particular matter or as part of a routine review cycle. They are performance processes that require confidentiality in order to obtain free and frank feedback and maintain trust in the process, and are conducted pursuant to the Solicitor-General's Law Officer oversight function. The Solicitor-General may commission an independent assessment to gather facts and support her process.

The Solicitor-General has long had the oversight function, and it is now recognised in statute. Each Crown Solicitor review is different, in terms of scope and how it is conducted and whether external input is required. The nature of a review will depend on what is in issue.

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