

Te Tari Ture o te Karauna

Crown Law

The coat of arms of New Zealand, featuring a shield supported by a woman in a white dress holding a flag and a man in a kauri cloak holding a staff. The shield is divided into four quadrants: top-left (blue with a white star), top-right (red with a white ship), bottom-left (white with a blue ship), and bottom-right (blue with a white ship). A crown sits atop the shield, and a banner below reads "NEW ZEALAND".

Statement of Intent 2015 – 2018

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Foreword by the Attorney-General

Crown Law has strengthened its overall position in recent years. The recommendations of three external reviews were influential in shaping Crown Law's progress. A new structure and operating model were implemented in 2013/14. This enabled improvements in efficiency, quality, value and sustainability. Crown Law has since transitioned from implementing change to strengthening its focus on the medium and long term provision of effective high quality legal advice and services.

In 2014/15 Crown Law continued strengthening its contribution to the Government's priorities. Crown Law is working collaboratively and effectively within the justice sector and across the wider public sector environment. Crown Law's hosting of the development of the Government Legal Network reflects this. The Government Legal Network connects over 800 government lawyers. This network is enabling the sharing of information and legal resources. Increasing awareness of Crown legal risk has been an important focus. The network also supports learning and development opportunities for new and established government lawyers.

The Public Prosecutions Unit completed the successful transition of the Crown Solicitor Network to a new funding model. This helps the Government to ensure the network is sustainable while providing the quality and level of services required. A new reporting framework was also introduced across the Crown Solicitor Network. Information from the reporting framework helps to ensure efficient and effective delivery of public prosecution services.

Crown Law continues its provision of high quality legal advice and representation. This includes work on a diverse array of matters regarding Treaty of Waitangi claims, the constitution and human rights, taxation, international mutual assistance and extradition, serious criminal matters, criminal appeals and public law matters.

In 2015/16 and the foreseeable medium term Crown Law will continue to provide high quality legal advice and services. Crown Law will ensure these are effective, provide value for money and are sustainable. Crown Law will continue its leadership of and participation in the Government Legal Network and assist in the prevention, identification and management of Crown legal risk. Through the Public Prosecutions Unit Crown Law will continue to provide leadership and oversight of public prosecutions.

I recently celebrated the 140th anniversary of a permanent office of the Solicitor-General in New Zealand. During that time the office has built a proud history of excellent service to the Crown.

I look forward to working with Crown Law as it continues to provide high quality legal services to the Crown and support to me in my role as Attorney-General.

Statement of Responsibility

I am satisfied that the information on strategic intentions provided by my department in this Statement of Intent is consistent with the policies and performance expectations of the Government.



Hon Christopher Finlayson QC

Attorney-General

June 2015

Introduction from the Solicitor-General

Since 1873 Crown Law has served the Government of New Zealand and upheld the rule of law. From 1875 the office of the Solicitor-General has been a permanent feature in the New Zealand legal landscape. For at least 140 years now this office has provided high quality legal advice and representation to the Attorney-General and the Government of the day.

Our focus is on ensuring we continue to be the Crown's trusted legal advisor and that our clients value our services. We are able to provide our clients with clear practical advice informed by a unique oversight of the public sector's legal issues.

Our medium-term intentions build on changes we implemented in 2013 and embedded in 2014. In 2013 we focussed on core Crown work, changed our structure and moved to the Justice Centre. We strengthened our financial management capability and implemented ICT improvements. These changes strengthened the alignment of our organisation to the Government's priorities, supported our stronger focus on core Crown legal work and provided staff with secure mobile technology. This in turn supports and adds value to our ongoing provision of legal services. We are increasingly working across government on the range of complex issues that involve modern New Zealand.

In our strategic planning for 2015/16 onwards we identified as our priorities:

- The strengthening of Crown Law's leadership role and the management of Crown legal risk
- Providing increased leadership and oversight of Crown and public prosecutions
- Ensuring our operating model facilitates efficiency, effectiveness and sustainability

We intend to provide effective leadership across the key areas of Crown legal risk and public prosecutions, and in building the government's capability to identify and address contemporary legal issues across government including those related to the Treaty of Waitangi.

We intend to continue to be influential, credible and the Government's trusted advisor for managing complex cross-government legal issues. We will continue to uphold the rule of law and New Zealand's international reputation.

Ultimately our success in continuing to deliver core Crown legal work depends on the quality of our people. We rely on our people, their expertise and their commitment to delivering a high quality service within the public sector environment. I feel very privileged to be working with such professional and dedicated public servants.

I am confident that our priorities will contribute to strengthening New Zealanders' trust in our justice system, ensuring it is just and fair and holds offenders to account, and that our government is responsible and lawful in its actions.

Statement of Responsibility

In signing this statement, I acknowledge that I am responsible for the information on strategic intentions contained in the Statement of Intent for Crown Law. This information has been prepared in accordance with section 38 and section 40 of the Public Finance Act 1989.



Michael Heron QC

Solicitor-General and Chief Executive

June 2015

Our performance framework



Our performance framework reflects our continued responsible management of public resources, and providing technical expertise, leadership and valued services to our clients

Organisation and Strategy

Our purpose

Crown Law is a government department that provides legal advice and representation to the government in matters affecting the executive government, particularly in the areas of criminal, public and administrative law. Crown Law supports both the Attorney-General and the Solicitor-General. We serve the Crown and uphold the rule of law.

THE PRINCIPAL LAW OFFICERS

The Attorney-General is the senior Law Officer of the Crown, with principal responsibility for the Government's administration of the law. The Attorney-General is also a Minister of the Crown, with ministerial responsibility for Crown Law.

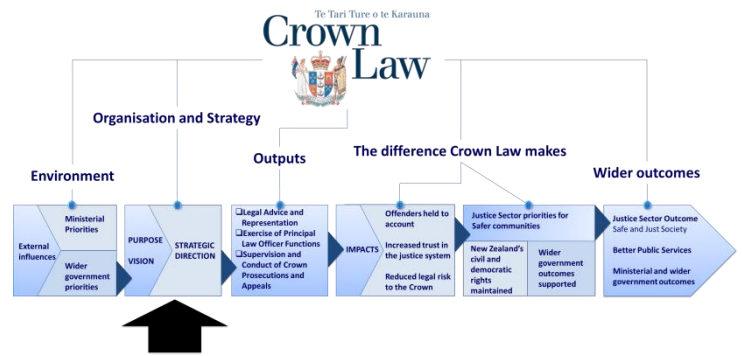
The Solicitor-General is the junior Law Officer, and is the Government's chief legal adviser and advocate in the courts. The Solicitor-General holds office as an official of government and is also the Chief Executive of Crown Law.

Our focus is on core Crown legal work. This includes matters that, because of their nature, have such significance for the Crown that they should be undertaken under the supervision of the Law Officers. It equates to the core legal work for which the Law Officers are constitutionally responsible.

OUR EXPERTISE

Crown Law supports the Crown in many unique and varied legal matters in areas such as the New Zealand Bill of Rights Act 1990, human rights, land and environment interests, social services, employment law, citizenship, cultural issues, protection of revenue, international obligations, and the Treaty of Waitangi. We participate in crucial all-of-government responses to national disasters and inquiries, such as the Christchurch earthquake recovery. We are also responsible for managing and supervising the Crown Solicitor Network in their work conducting Crown prosecutions, and providing oversight of public prosecutions conducted by government agencies.

Performance Framework



Our vision

Crown Law's vision is that we are the Crown's trusted legal advisor, and that our clients value our services. We are the first choice for Ministers, Chief Executives and Chief Legal Advisors for core Crown legal advice and litigation. We are highly respected as the leading administrative and public law experts. The Government knows that it is meeting its legal obligations and is able to make decisions to advance its policy programme. We achieve this by being clear about our focus, passionate about what we do, rigorous in enforcing high standards of technical ability and service, and by being focused on providing excellent client service. We work collaboratively to meet client needs, professionally and cost-effectively, while also managing legal risk across government.

Strategic direction

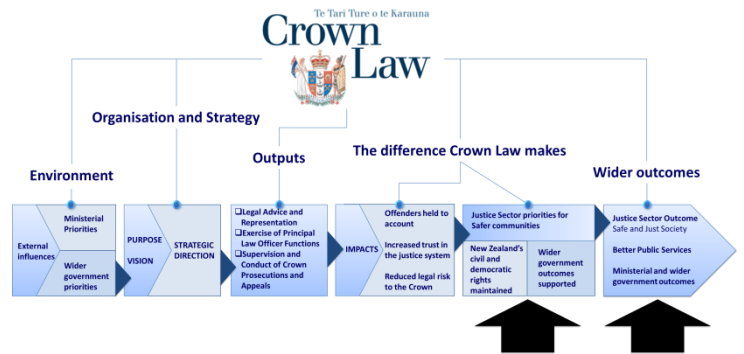
Crown Law's strategic priorities will ensure it can continue providing high-quality cost-effective legal advice and services into the future. Over the medium-term our strategic priorities will be supported by:

- contributing to government and Justice Sector priorities through partnership and collaboration
- providing clients with clear and practical advice informed by a unique oversight of the public sector's legal issues
- ongoing work to manage cost pressures and related risks (using Crown Law's strengthened understanding of these)
- managing challenges now and in the future related to the provision of high quality legal advice and services

The difference we make and wider outcomes

Our contribution to government goals

Performance Framework



JUSTICE SECTOR OUTCOMES

The Ministry of Justice is the lead agency in the justice sector which includes Crown Law, New Zealand Police, Department of Corrections, Serious Fraud Office, and the Ministry of Social Development (for youth justice).

Justice sector Ministers recognise that achieving the best outcomes for people participating in justice sector processes requires all agencies to be working towards the same goals. The ultimate justice sector outcome is a “safe and just society”, which is achieved through shared priorities, as shown below.

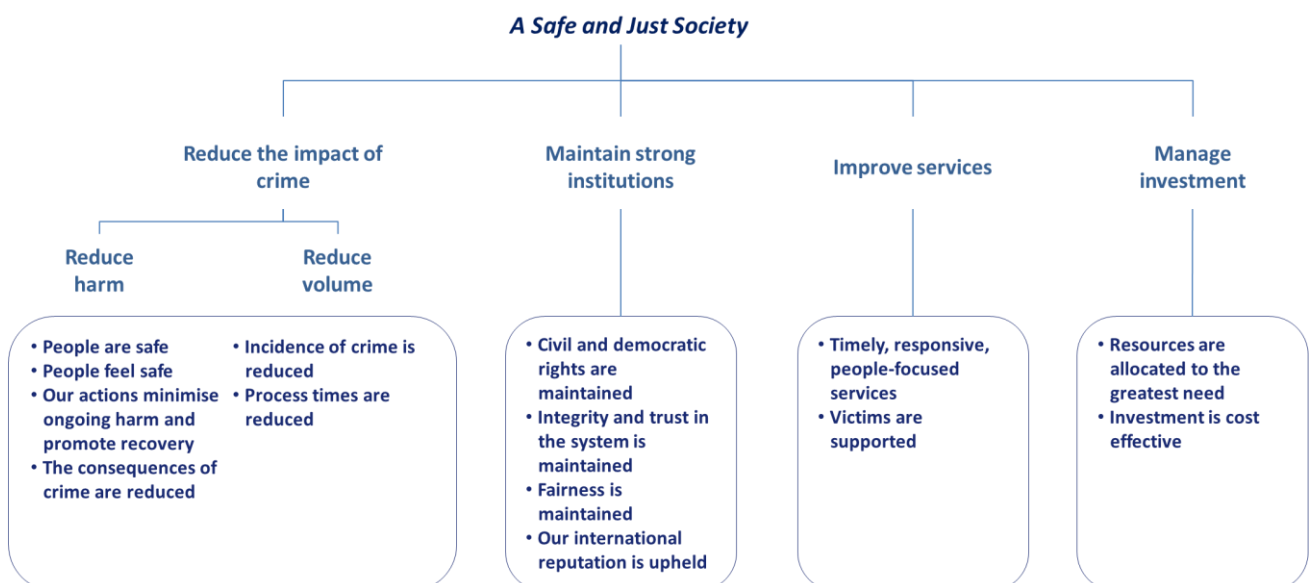
There will continue to be substantial policy, legislative and operational change across the sector, as we respond to the government’s ambitious Better Public Services targets to reduce crime (total crime, violent crime and youth crime) and re-offending. The justice sector Results Action

Plan sets out a roadmap for achieving results – by reducing opportunities for crime, targeting vulnerable youth and youth offenders, reducing alcohol and drug abuse, and reducing reoffending. Crown Law supports progress towards the justice sector Better Public Services results by ensuring offenders are held to account through high quality prosecutions and criminal appeals.

WIDER GOVERNMENT OUTCOMES

Crown Law’s work contributes to all sectors of government. While our home is within the justice sector, our outputs, particularly legal advice and representation services and the exercise of the Principal Law Officer functions, support agencies in other government sectors in managing their legal risks and obligations. This ensures that other agencies can deliver on their responsibilities and achieve their outcomes.

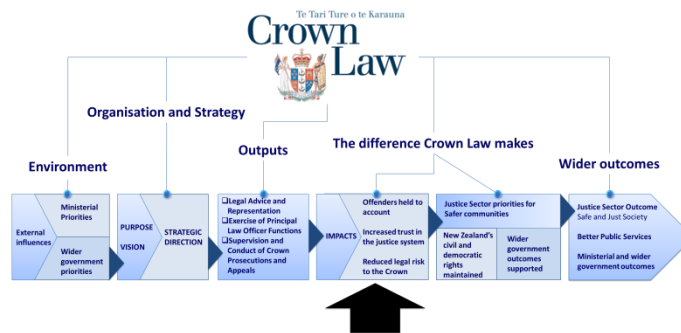
Sector priorities supported by Crown Law’s work



Our impact – How we contribute to justice sector and wider outcomes

Our medium-to-long term performance measurement focus is set out in Appendix 1.

Performance Framework



▶ **Offenders are held to account**, through high quality Crown prosecutions and appeals that are delivered cost-effectively and in the public interest

▶ **Increased trust in the justice system**, through the performance of the Principal Law Officers' constitutional and other duties

▶ **Reduced legal risks to the Crown**, through protecting the Crown's interests and ensuring any risks are well managed

Links to:

▶ **Justice sector priorities**

▶ **Civil and democratic rights**

▶ **Supporting wider government outcomes**

Links to:

▶ **Wider Justice Sector, Ministerial and Government outcomes**

The impact of Crown Law's high quality prosecution services, and our oversight and management of the Crown Solicitor Network providing prosecution services, is to the general public the most visible part of what we do. It should be noted that in providing such services Crown Law's focus is in bringing the best prosecution possible so that whatever the finding, it rests on the highest quality of legal arguments.

Although the effects of our legal advice and services to the Government and departments might not be visible to the general public, Crown Law has a significant role in enabling the Government and departments to operate

confidently within the bounds of the law. As set out in the Cabinet Directions for the Conduct of Crown Legal Business 2012 (revised 2015), this includes acting as a check on the lawfulness of actual or proposed exercise of public power, duty or function.

The legal advice and services Crown Law provides also help to reduce and manage legal risks to the Crown and, when questions of law arise, enables public departments to provide services and take actions without fear of breaching laws and regulations. This is vital for the smooth operation of the government in its dealings with other countries, businesses and with private citizens.

What we do

This section focuses on our outputs (the services we provide). Described below, our outputs are grouped under:

- the impact to which they are mainly related and contribute
- appropriation(s) to which the outputs are mainly linked.

▶ Offenders are held to account

Appropriation

This work links to the Multi-Category Appropriation (MCA) *Supervision and conduct of Crown prosecutions and appeals*. Within the MCA are appropriations for:

- *Criminal Law Advice and Services*
- *Conduct of Criminal appeals from Crown Prosecutions*
- *Oversight and Supervision of Public Prosecutions and the Crown Solicitor Network*
- *Provision of a National Crown Prosecution Service*

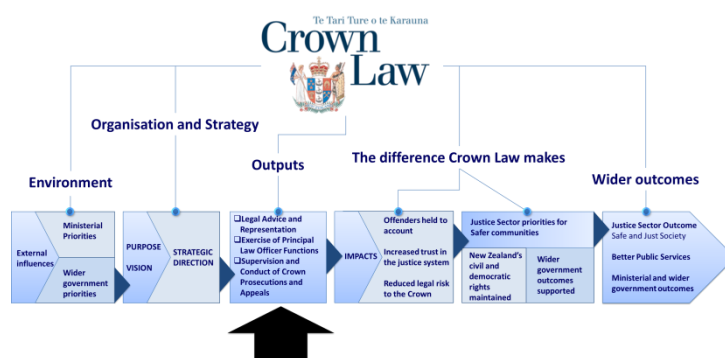
Our outputs

High quality prosecutions and appeals, delivered cost-effectively and free from political interference, are crucial to a democratic society.

The Solicitor-General is responsible for oversight of public prosecutions, Crown representation in criminal appeals and a number of specific statutory duties in relation to administration of the criminal justice system. Crown Law and Crown Solicitors support the Solicitor-General to fulfil these responsibilities. Crown Law conducts criminal appeals in the High Court, Court of Appeal and the Supreme Court, both where the appeal has been brought by the Crown and where it has been brought by the accused. We provide advice on requests for Crown appeals, judicial reviews, stays of prosecution, and consent to prosecute. We also make decisions on appeal requests from prosecuting agencies and we bring Crown appeals against Court-imposed sentences that are considered to be inadequate.

Crown prosecutions are primarily conducted by Crown Solicitors. Crown Solicitors are appointed under warrant of the Governor-General and they undertake work under the supervision of the Solicitor-General. Crown Law supports the

Performance Framework



Solicitor-General in the performance of this supervisory function. This includes managing Crown Solicitor warrants, funding, guiding and sharing prosecution practice and knowledge, and reviewing practices to ensure high quality, value for money services are provided.

Crown Law also provides legal advice and responds to applications on criminal law issues. We provide legal advice and representation on interventions in respect to alleged contempt of court and breaches of name suppression, and we oversee the prosecution work of the Serious Fraud Office. We also assist in international criminal investigations, proceedings, and extradition requests. We envisage that international work will continue to be an area of strong focus.

Crown Law's focus over the next three years, regarding Crown prosecutions and appeals, is on the maintenance of high-quality and effective services, while ensuring costs are effectively managed.

▶ Increased trust in the justice system

Appropriation

This work links to the appropriation for the *Exercise of Principal Law Officer Functions*.

Our outputs

Crown Law supports the Attorney-General and the Solicitor-General in performing their roles. We assist the Law Officers to act as independent legal advisors to the Crown, free from political influence. This independence is critical in maintaining the integrity of the rule of law and is instrumental in minimising the risk of the Government acting unlawfully.

In addition to supporting the conduct of Crown prosecutions and appeals, Crown Law provides

legal advice and other assistance to the Law Officers in the following areas:

- ensuring that government actions are conducted according to the law
- representing the public interest
- managing the relationship of the executive government with the judiciary
- administering appointments of Judges to the higher courts and of Queen’s Counsel
- acting on behalf of the Government in civil litigation
- informing the House whether any provision in a Bill introduced to the House is inconsistent with the Bill of Rights Act 1990
- supporting the supervision of charitable trusts
- managing vexatious litigant proceedings
- processing applications for the discharge of adoption orders
- processing requests for second coronial inquiries
- managing special patient reclassifications
- defending judicial reviews
- providing legal advice and representation on intervention in respect to alleged contempt of court and breach of name suppression.

We also provide advice to the Crown and government agencies on legal issues, and on the legal and constitutional implications of policy proposals. The Cabinet Directions for the Conduct of Crown Legal Business 2012¹ set out particular legal matters that must be referred to the Solicitor-General. This includes:

- representation or advice in relation to actual or imminent litigation to which the government or agency is or may become a party
- legal services involving questions of the lawfulness of the exercise of government power
- constitutional questions including Treaty of Waitangi issues
- legal issues relating to the protection of revenue.

1 “Cabinet Directions for the Conduct of Crown Legal Business 2012”, Appendix C, Cabinet Office Manual, 2012.

▶ Reduced legal risks to the Crown

Appropriation

This work links to the appropriation for *Legal Advice and Representation*.

Our outputs

As chief legal advisors to the Government and chief advocate for the Government in the courts, the Principal Law Officers ensure that the Government is not prevented through legal process from lawfully implementing its chosen policies and discharging its governmental responsibilities.

The work undertaken by Crown Law in supporting the Law Officers and providing legal advice and representation ensures the Crown’s legal risks are managed and its interests protected.

Crown Law is responsible for advising and providing representation on services related to the Crown infrastructure, its commercial interests, the regulation of those interests, and the protection of revenue.

We take a “one Crown” approach to protect the Crown’s legal interests. In looking after the Crown’s legal interests we must look beyond the interests of a specific department, even when that department is the client initiating the work. This approach in particular provides assurance to the Attorney-General and Solicitor-General that the Crown’s legal risk is being identified early and well managed.

As part of our role in promoting a one Crown approach to the management of legal risk, we actively support and participate in the Government Legal Network. The Solicitor-General is the ‘legal professional’ leader, and is supported in this role by a Board, Director and the network of government lawyers. The network, which is comprised of all government lawyers, is an initiative designed to strengthen the delivery of legal advice and services to core government agencies, resulting in more effective management of the Crown’s legal risk. The objectives of the network are to proactively support the community of government lawyers, create opportunities for better networking, better enable sharing of services, information and resources, assist the professional development of government lawyers, and promote the government lawyer as a career choice.

How we work

Our operating environment

There are a number of factors that influence Crown Law’s work management programme. The entire government sector is operating within tight financial constraints that require us to do more with less. This means that Crown Law must be able to operate sustainably within available funding. We must be cost-effective in everything we do, in order to provide value for money services for our clients and the public. Justice sector costs are expected to increase although the volume of cases going through the criminal and civil justice systems is declining. The challenge is to realise savings from this reduction in volume while ensuring public safety is maintained and services are accessible. The Government expects agencies to demonstrate that they are effective and efficient, and that they contribute to the relevant outcomes the Government is seeking. There is a much greater expectation that agencies will work together within and across sectors to improve the services they deliver and be more cost-effective.

Crown Law is involved in matters that cover a wide range of issues and areas of law. Our work covers and is affected by most aspects of government. We must anticipate and manage legal risks and respond as circumstances change. We must be flexible and maintain a broad perspective to provide effective legal services.

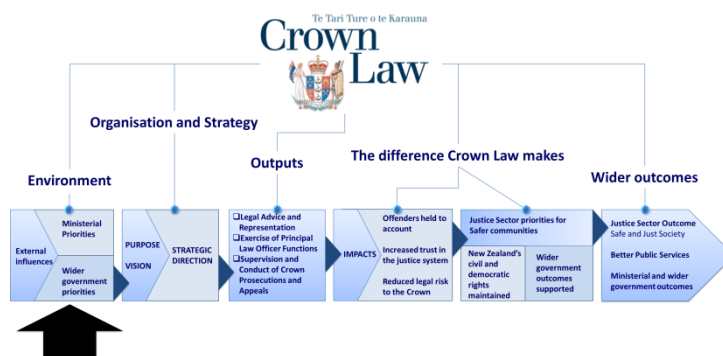
We must also be flexible if we are to continue to respond to unanticipated events. Crown Law will continue to play a significant role in the Government’s response to, for example, natural and man-made disasters.

Responding to our environment

Crown Law is committed to improving its performance and capability. This includes maintaining the appropriate mix of legal roles and experience and enabling greater flexibility to deploy legal resources across teams and legal matters.

An Auckland office (established on a pilot basis in 2012/13) is providing core Crown legal work in the Auckland region. Many of our clients have offices in Auckland and a growing proportion of Crown litigation is done in the Auckland courts. The office

Performance Framework



is funded and staffed through Crown Law’s current baseline and staffing levels. Intended benefits of an ongoing presence include:

- increased efficiency in the management of the large volume of Auckland criminal work
- accessibility to our Auckland clients
- collaboration with wider stakeholders and accessing network and talent pools

Public Prosecutions

The Public Prosecutions Unit (PPU) was established in 2012. Its initial focus has been to manage the funding for Crown Prosecutions, which includes those conducted by Crown Solicitors and the Serious Fraud Office.

The PPU is also providing oversight of all public prosecutions for the Solicitor-General and provides advice to the sector on prosecution related activities and initiatives. This is supported by reporting frameworks developed by the PPU and in use by the Crown Solicitor Network and 37 agencies with prosecution functions.

The Public Prosecutions Advisory Board, established by the PPU, is comprised of representatives from across the public sector involved in public prosecutions. The Board assists Crown Law to identify and manage inconsistencies in prosecution decision-making.

Crown Law will continue to identify opportunities to add value to the function and quality of public prosecution services. This ongoing focus will be achieved through the work of the PPU and the Deputy Solicitor-General for criminal law, with public sector legal colleagues.

Client Relations

Our strategic objectives focus on being proactive, efficient, practical, relevant, solutions focused, on budget and on time. We will ensure we

understand our clients' objectives and their business needs and that the work we do for them is of a high standard. Our organisation is intent on demonstrating to clients how we are best placed to effectively and efficiently provide the services they need.

Our leadership and governance

The Management Board recognises that enhanced collective leadership and management capability is essential for Crown Law's success. The Management Board, individually and collectively, are committed to improving the leadership, strategic focus, and management of Crown Law.

Our leadership and governance is supported by our governance framework. The framework distinguishes between strategic leadership and operational management. This ensures we are directing the right capability to the right level of governance. This approach helps us to maximise the use of our resources without jeopardising the appropriate level of oversight, management and monitoring. The strength of our main governance bodies, such as the Management Board and Operational Management Committee, is enhanced by groups and committees such as Project Steering Committees and a Professional Standards Committee.

An integrated system of monitoring and reporting supports our governance bodies to demonstrate Crown Law's performance. Our business data and associated measures will continue to provide assurance of our performance for internal management and external stakeholders.

Our workforce and culture

To achieve our vision of being the Government's trusted advisors, we need to be passionate about what we do and our employees need to be engaged in the organisation. Shifting staff engagement from good to strong will continue to be a priority for the Management Board.

Regarding recruitment, retention and staff development Crown Law will continue implementing its organisational development strategy to ensure that Crown Law has sufficient capacity and the right mix of skills to deliver on its purpose. Crown Law's structure introduced in 2013 allows our senior lawyers to take roles that are best suited to their core skills, while also allowing junior counsel to take on greater responsibilities. Clarity around what we do and the quality of our work is contributed to by Crown Law's values developed with staff in 2013.

Further work on the organisation development strategy will focus on ensuring we retain and develop our high performance culture and contribute fully to the performance lift sought across the whole state sector.

As a public sector employer, we will continue to provide equal employment opportunities in line with current government requirements.

Our sustainability

Crown Law is committed to living within its baseline and has put considerable effort in to better understanding its cost pressures and identifying options for how these pressures may be addressed. As a result a number of initiatives have been implemented. Crown Law is monitoring the benefits of these initiatives. This will ensure Crown Law's resources are organised in the most appropriate way for the future. These initiatives target our largest areas of expenditure: personnel, accommodation and Crown Solicitor services. From 2014 the long-term funding model (implemented in 2013) for Crown Solicitors is being monitored to improve our management of Crown prosecutions and ensure that costs remain within baseline. Our organisational structure, working environment and accommodation arrangements implemented in 2013 provides significant ongoing savings for Crown Law.

From time to time we will review and assess our contract management system and arrangements. In 2015 Crown Law is participating in several All-of-Government (AoG) contracts and we are engaged in the functional leadership process for property. We are committed to continuing to take up other AoG contracts as appropriate. We may also participate in shared services arrangements, if appropriate, for back office functions.

Our technology and information management

Crown Law's ICT goal, and responsibility as a government agency, is to provide ICT services that enable and underpin Crown Law's strategic direction. We are also working to align our ICT with the New Zealand Government's *Destination 2017* (the Government ICT Strategy and Action Plan) initiatives. Having introduced innovative technologies and tools across 2012 and 2013, Crown Law will continue enabling its workforce to fulfil their roles more flexibly, without restrictions of physical location or reliance on carrying around vast volumes of printed documents.

Following the ICT transformation programme that was delivered for our relocation to new premises in 2013, our focus shifted to making sure we are able to make ongoing best use of the technology changes and maximise value for money from our ICT investments. This includes working closely with users and providing the appropriate training and support to ensure they understand how to get the most from their ICT.

Over the next four years we will continue to focus on our four strategic ICT priorities: Mobile, Secure, Digital and Stable.

A Business Improvement Programme was commenced in early 2014. Phase One comprises four projects: security remediation (stage one), business process mapping, Desktop-as-a-Service and secure file sharing (discovery stage).

Two of the projects, security remediation and business process mapping, are now complete. Ongoing initiatives have transitioned to business as usual in 2014. Desktop-as-a-Service is in testing phase in 2015.

In May 2015 the upgrade to the Practice and Financial Management System marks the start of Business Improvement Phase Two. A post-upgrade review will be undertaken to leverage the system enhancements for improved management information, performance reporting and accessibility solutions.

These priorities will continue to drive value and best use of our ICT while aligning Crown Law ICT to *Destination 2017*. The priorities will also support how we integrate and contribute to justice sector strategic direction.

Our risk management

Effective risk management is critical for achieving our strategic priorities. Our strategic risks relate to ensuring our legal advice and services will continue to be sustainable, effective and of the high quality valued by our clients. This is also important for retaining and strengthening the trust New Zealanders have in the justice system, the rule of law and in government.

Our Assurance and Risk Committee will advise the Solicitor-General on our risk management, internal controls, financial and other external reporting, and compliance with legislation, policies and procedures.

Our performance management

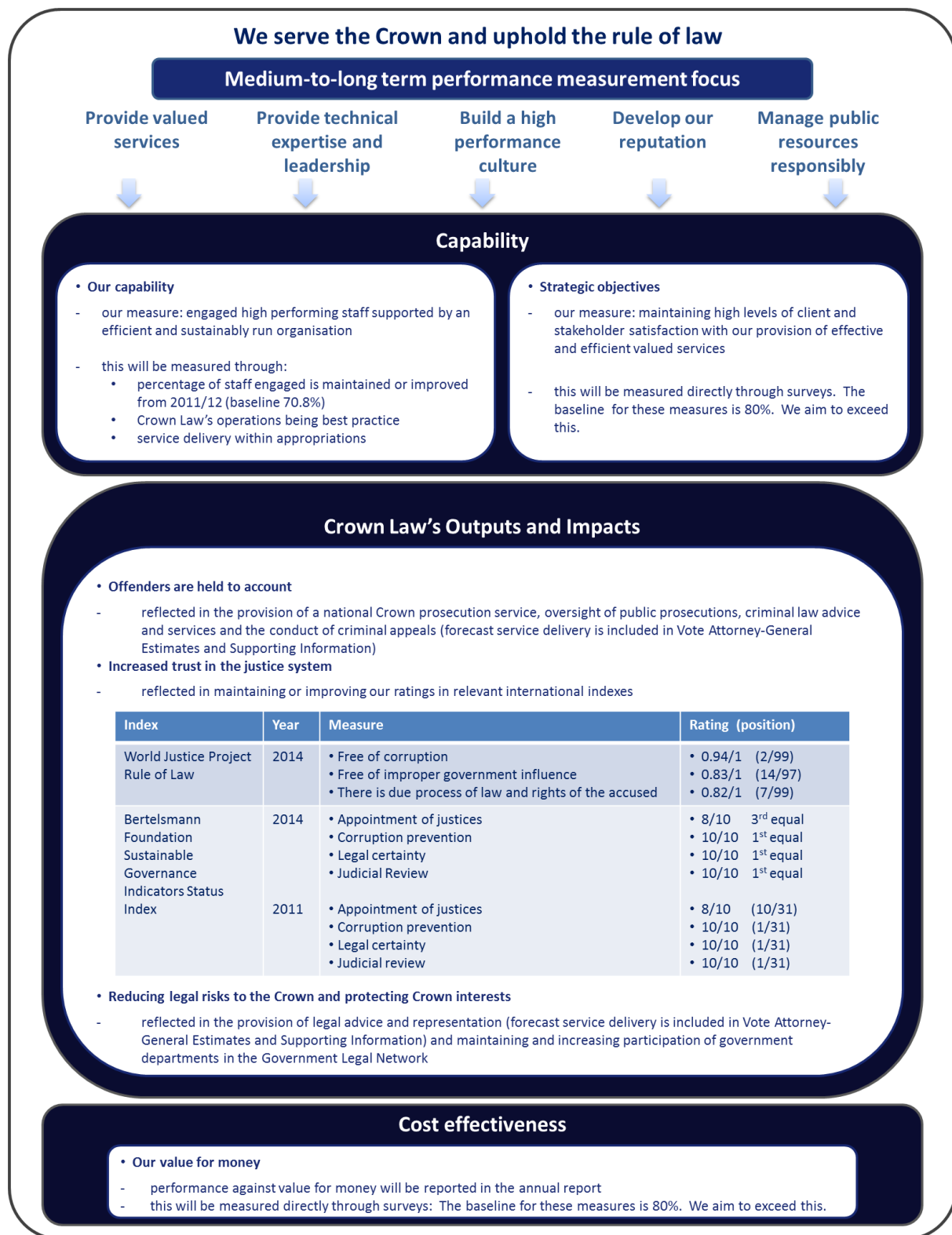
We understand the importance of monitoring what we deliver and how well we deliver it, so that we can identify further ways to improve our performance. As a provider of specialised publicly funded services, and a manager of such services provided by others for the Crown, we have an ongoing responsibility to ensure that public money is being used responsibly to achieve effective and timely results.

Crown Law will continue its focus on ensuring there is appropriate measurement of quantity, quality, timeliness and cost of service delivery.

Audit New Zealand provides constructive input for improving and refining our measures, which contribute to strengthening our strategic and business planning and verifying our effectiveness. Our performance focus across 2015 to 2018 is set out in Appendix 1. Further information about our intentions and performance is available in Budget documents for Vote Attorney-General and in our annual reports.

APPENDIX 1: PERFORMANCE FOCUS

Overview of indicators for our performance focus



Further information about our intentions and performance is available in Budget documents for Vote Attorney-General and in our annual reports.

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Crown Law Office

**PO Box 2858 or DX SP20208
Wellington
New Zealand**

**Phone: +64 4 472 1719
Fax: +64 4 473 3482**

www.crownlaw.govt.nz

