



18 May 2022

[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]

By email: [REDACTED]

Tēnā koe [REDACTED]

Official Information Act Request
Our Ref: OIA353/1

1. I refer to your email of 6 May 2022, further to the information provided to you on 26 April 2022 relating Crown Solicitor funding. You have requested information on the following:
 - 1.1 Whether there is capacity for a Crown Solicitor to request additional funding for a particular case from Crown Law, for example in cases which are exceptionally lengthy or difficult; and
 - 1.2 If there is capacity, the details of which Crown Solicitor received additional funding, and the amounts, for the period covered in the 26 April 2022 response.
2. The scenario you have described is provided for. There is a small proportion of the annual appropriation that is reserved for funding exceptional cases and other unanticipated costs. We refer to this, for convenience sake, as the Flexi Fund. It is not, however, an additional fund or appropriation. Rather, it is a portion of the Crown Solicitors' annual Bulk Fund, described in our previous letter, which we reserve at the start of each financial year to provide some ability to respond to exceptional time costs that are incurred with particularly large or complex cases.
3. While the proportion can vary a little, in general it is approximately 5% of total Crown Solicitors' appropriation. This Flexi funding is allocated proportionately between the Crown Solicitors based on a data driven model which identifies cases that are in the top 3%-5% of hours reported to Crown Law. As it is not a costs-based model, the Crown Solicitors are not paid hourly rates for these

matters, and not all high cost cases will qualify. Only those who have matters that meet the threshold will receive a portion of this funding.

4. The following table sets out the amount of exceptional funding (includes exceptional cases and other unanticipated costs) for each Crown Solicitor for the 2018/19, 2019/20, 2020/21 and 2021/22 financial years. These amounts were included in the totals provided in the 26 April response. The 2021/22 amounts cover the period of July 2021 to March 2022. Note that the majority of this funding is calculated after each financial year is complete.

Warrant Crown Solicitor Firm	Year	Funding for exceptional matters (excl. GST)
Auckland Brian Dickey Meredith Connell	2018/19	\$1,300,482.20
	2019/20	\$877,938.36
	2020/21	\$948,532.42
	2021/22 (to March 2022)	-
Christchurch Mark Zarifeh Raymond Donnelly	2018/19	\$382,165.78
	2019/20	\$319,642.43
	2020/21	\$560,618.42
	2021/22 (to March 2022)	\$4,535.25
Dunedin Robin Bates RPB Law	2018/19	\$46,593.42
	2019/20	\$134,594.03
	2020/21	\$55,165.96
	2021/22 (to March 2022)	-
Gisborne Steve Manning Elvidge & Partners	2018/19	\$55,035.47
	2019/20	\$39,177.57
	2020/21	\$53,874.54
	2021/22 (to March 2022)	-
Hamilton Jacinda Hamilton Hamilton Legal	2018/19	\$48,781.07
	2019/20	\$73,182.29
	2020/21	\$30,863.66
	2021/22 (to March 2022)	-
Invercargill Mary-Jane Thomas	2018/19	\$26,091.34
	2019/20	\$51,603.62
	2020/21	\$76,784.26

Warrant Crown Solicitor Firm	Year	Funding for exceptional matters (excl. GST)
Preston Russell Law	2021/22 (to March 2022)	-
Manukau Natalie Walker Kayes Fletcher Walker	2018/19	\$1,249,078.65
	2019/20	\$976,964.97
	2020/21	\$1,275,254.40
	2021/22 (to March 2022)	-
Napier Steve Manning Elvidge & Partners	2018/19	\$23,158.51
	2019/20	\$81,480.06
	2020/21	\$130,481.91
	2021/22 (to March 2022)	-
New Plymouth Cherie Clarke C&M Legal	2018/19	\$15,764.51
	2019/20	\$66,150.35
	2020/21	\$147,126.51
	2021/22 (to March 2022)	-
Palmerston North Ben Vanderkolk BVA The Practice	2018/19	\$140,762.68
	2019/20	\$119,059.10
	2020/21	\$138,119.35
	2021/22 (to March 2022)	\$867.40
Rotorua Amanda Gordon Gordon Pilditch	2018/19	\$53,443.10
	2019/20	\$49,538.96
	2020/21	\$32,270.88
	2021/22 (to March 2022)	-
Tasman Mark O'Donoghue O'Donoghue Webber	2018/19	\$82,427.58
	2019/20	\$80,974.99
	2020/21	\$133,405.11
	2021/22 (to March 2022)	-
Tauranga Anna Pollett Pollett Legal Ltd	2018/19	\$204,461.41
	2019/20	\$152,791.91
	2020/21	\$255,360.70
	2021/22 (to March 2022)	-

Warrant Crown Solicitor Firm	Year	Funding for exceptional matters (excl. GST)
Timaru Andrew McRae Gresson Dorman & Co	2018/19	\$20,287.40
	2019/20	\$55,205.69
	2020/21	-
	2021/22 (to March 2022)	\$107,405.09
Wellington Grant Burston Luke Cunningham Clere	2018/19	\$202,505.06
	2019/20	\$185,305.75
	2020/21	\$184,625.28
	2021/22 (to March 2022)	-
Whanganui Michele Wilkinson-Smith Wilkinson-Smith Lawyers	2018/19	\$190,842.37
	2019/20	\$324,029.06
	2020/21	\$77,435.31
	2021/22 (to March 2022)	-
Whangarei Michael Smith Marsden Woods Inskip Smith	2018/19	\$73,469.32
	2019/20	\$240,116.27
	2020/21	\$28,225.76
	2021/22 (to March 2022)	\$40,257.87

5. In addition to the funding detailed above, and the 26 April response which was based on the total funding provided under the standard model, there was also one unique case that went beyond the standard funding model. This was the Brenton Tarrant prosecution, which was conducted by the Christchurch Crown Solicitor.
6. A one-off arrangement was entered into due to the unprecedented nature of the case and the Crown Solicitor was able to initially submit invoices based on time spent. The one-off arrangement ended when the defendant changed his plea to guilty prior to trial. The hourly rates applied in that exceptional case were the same as Crown Solicitors could charge government departments for prosecutions briefed to them. This supplementary funding to the Christchurch Crown Solicitor totalled \$192,132.31 excluding GST (\$60,694.41 applied to the 2019/20 financial year and \$131,437.90 to 2020/21). Note that the hourly rates prescribed for departmental work in the Crown Solicitor: Terms of Office prior to the 2021/22 year were \$300 Principal, \$252 Senior, \$202 Intermediate and \$147 Junior. All work done after the guilty plea was entered for this case was considered to be covered under bulk-funding.

7. 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.

Proactive release

8. 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.

Nāku noa, nā

Crown Law



Manager, Public Prosecutions Unit