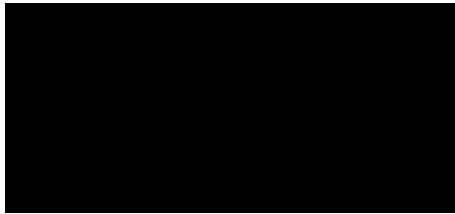




28 May 2025



**Official information request relating to the Restore Passenger Rail prosecutions**  
**Our Ref: OIA353/1**

1. I refer to your official information request dated 7 May 2025 for the following information.
  1. What was the total cost to the Crown of prosecuting the Restore Passenger Rail cases, including but not limited to the cost of the initial trial, preparations for retrials, and legal counsel fees?
  2. Please provide all documentation, reports, and internal communications detailing the specific reasons and legal analysis that led to the decision to drop the charges against the defendants in the Restore Passenger Rail cases.
  3. Please provide all materials, including memos, reports, and legal opinions, regarding Crown Law's consideration of New Zealand Bill of Rights Act matters, specifically the right to freedom of expression/speech, when deciding whether to lay charges or continue with prosecutions in the Restore Passenger Rail cases.
  4. Please provide all documents that detail the Crown's assessment of the element of "reasonableness" related to the charge of endangering transport, specifically how the Crown evaluated whether the defendants' actions were "reckless" or posed an "unreasonable risk to the public."
  5. Please provide any documents or internal communications that outline the Crown's assessment of whether continuing the prosecutions was "in the public interest," as stated in the memorandum to the court.
  6. Please provide any documentation or analysis related to the expert scientific evidence presented by the defense (*sic*) and how this evidence factored into the decision to drop the charges.
  7. Please provide any documentation or discussion regarding the potential precedent set by dropping these charges for future protests and prosecutions related to climate change activism.

2. You were advised on 13 May that, in addition to information held by Crown Law, part of the information to which your request relates is held by New Zealand Police (**Police**) who would have investigated the case and conducted the early stages of the prosecution prior to it becoming a Crown prosecution. Accordingly, pursuant to section 14(b)(ii) of the Official Information Act 1982, we have partially transferred parts 1, 2, 4, 5, 6, and 7 of your request to Police. You will receive a response from them in due course.
3. To the extent the information requested is held by Crown Law, our response is set out below.

#### Part 1

4. Although you have asked for the total cost to “the Crown” we can only provide information we hold, which relates to the work by the prosecutors conducting the matter from the time it became a Crown prosecution, and the costs to this office of conducting any appeals in the Court of Appeal. The wider Crown, particularly the Police and the Ministry of Justice (**MOJ**) will also have incurred significant costs in respect of this matter as Police will have investigated the case and conducted the early stages of the prosecution, and MOJ will have funded the conduct of the case in terms of providing a courtroom, judicial resource, court staff and so on. MOJ also fund the costs of all expert witnesses called by the Crown.
5. Crown Solicitors have operated in a bulk funding environment since 1 July 2013, and do not usually invoice Crown Law for individual cases given they are not remunerated on an hourly basis. It is not possible to identify how much the prosecution was paid for the prosecution to which your request relates. Therefore, this part of your request is formally refused under section 18(g) of the Official Information Act, on the basis the information requested is not held by Crown Law.
6. However, as a matter of courtesy and without prejudice to the above, we set out below some information which may be of use to you.
  - 6.1 As at 30 April 2025, the Crown Solicitor for Wellington has reported a total of **634.20 hours** on all prosecutions associated with Restore Passenger Rail. Due to the significant number of interrelated matters, we are unable to provide a further breakdown of the hours by case stage and/or prosecutor classification.
  - 6.2 Additionally, the Crown Solicitor for Wellington has reported a total of **12.90 hours** on an appeal related to the Restore Passenger Rail prosecutions.

#### Parts 2-7

7. In New Zealand public prosecutions are conducted by Government agencies, including Police, or Crown Solicitors depending on the nature and seriousness of the alleged offending. The Solicitor-General maintains general oversight of the conduct of public prosecutions (Criminal Procedure Act 2011, s 185) and the Crown Law Office conducts criminal appeals arising out of Crown prosecutions. However, the Crown Law Office does not itself conduct prosecutions. We

therefore formally refuse these parts of your request under section 18(e) of the Official Information Act, on the basis the information does not exist.

8. I note Crown Solicitors are not subject to the Official Information Act, so I am unable to transfer your request to them.

**Proactive release**

9. 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.

**Right to seek an investigation and review**

10. 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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.
11. If you wish to discuss this decision with us, please feel free to contact [publicprosecutionunit@crownlaw.govt.nz](mailto:publicprosecutionunit@crownlaw.govt.nz).

