

24 April 2026

Official information request for procurement policy
Our Ref: OIA-2526180

I refer to your official information request dated 13 April 2026 for:

- 1. A copy of your current procurement policy;*
- 2. The link where it is supposed to be published; and*
- 3. If it is not currently published, an explanation for this and the date by which publication will occur.*

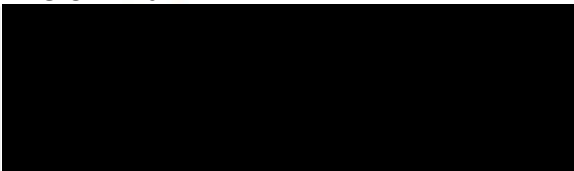
A copy of Crown Law's current procurement policy is enclosed. The policy is currently under review to ensure it is in line with the updated procurement rules. We are expecting this to be completed and published prior to 30 June 2026.

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.

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.

If you wish to discuss this decision with us, please feel free to contact ويا@crownlaw.govt.nz.

Nāku noa, nā
Crown Law



Mark McLellan
Manager, Finance

Encl Crown Law Procurment Policy and Guidelines

PROCUREMENT POLICY & GUIDELINES

Last review date	14 August 2020
Next review date	14 August 2022 (every two years)
Approved by	Operational Management Committee
Owner	Chief Financial Officer

Purpose

1. The Procurement Policy and Guidelines outline Crown Law’s commitment to comply with the Government Procurement Rules and the Principles of Government Procurement, the Government Procurement Charter and any other relevant guidelines or legislation when it engages with the market to procure goods or services.
2. Crown Law wants to ensure that its procurement policies safeguard the integrity of its procurement activities and processes. Staff must be able to justify their procurement decisions, remain impartial and act in a fair, transparent and reasonable manner.
3. In order to ensure good procurement, public value must be achieved. Where possible, consideration should be given to the broader outcomes that could be achieved. Broader outcomes are the secondary benefits that are generated from the procurement activity and may be environmental, social, economic or cultural benefits, which will deliver long-term public value for New Zealand (“Broader Outcomes”). Public value is not limited to financial considerations.
4. Crown Law’s preference is to use regular employees (rather than contractors and consultants) wherever possible. However, given Crown Law’s relatively small size and the nature of its workforce, it is not always possible to have the full range of requisite technical skills, capacity and expertise available internally for some projects.

Scope

5. The Procurement Policy and Guidelines apply to all Crown Law staff (including contractors and consultants where applicable) who procure any goods or services or manage contracts for or on behalf of the Crown Law Office.
6. The Policy and Guidelines do not apply to:
 - 6.1 any recruitment of permanent, fixed-term, seconded or casual employees¹;
 - 6.2 work done by Crown Solicitors that is funded by their annual fees paid by Crown Law²;
 - 6.3 payment of any Court filing fees or Court awarded costs³; and

¹ This recruitment is governed by the Crown Law Recruitment Policy and Human Resources Delegation Policy. Contact your Senior HR Business Partner for assistance.

² Refer to the Public Prosecutions Unit. Note that any payments made by Crown Law not related to Crown Solicitors’ warrants must follow this Policy or the Briefing External Counsel Policy and Guidelines.

³ These should be paid as directed by the Ministry of Justice and the Courts.

- 6.4 the briefing of External Counsel (refer to the Briefing External Counsel Policy and Guidelines).

Principles

7. Crown Law is committed to getting the best procurement outcomes by:
 - 7.1 following the Government's standards of good practice for procurement to ensure it delivers better public services, realises value for money in an open, transparent and accountable manner and achieves Broader Outcomes where possible;
 - 7.2 applying the Principles of Government Procurement, namely: planning and managing for great results; being fair to all suppliers; getting the right supplier; getting the best deal for everyone; and playing by the rules;
 - 7.3 ensuring the "Information Gathering" policy is adhered to when engaging security consultants⁴; and
 - 7.4 ensuring all legislative or other requirements are met, including the State Services Code of Conduct, Public Records Act 2005, Official Information Act 1982, the Privacy Act 1993, Private Security Personnel and Private Investigators (Code of Conduct – Surveillance of Individuals) Regulations 2011 or as amended from time to time. In addition, these obligations will be cascaded in the relevant contract to any other party who does work for and on behalf of Crown Law.

Policy Statements

8. Crown Law is committed to ensuring that:
 - 8.1 staff are aware of, and where appropriate apply, this Policy and the accompanying Procurement Guidelines;
 - 8.2 its contracts are actively managed, in particular the supplier relationship, service delivery and the contract generally for its duration;
 - 8.3 the obligations of all parties to the contract are met – any variation required should be completed in time to ensure continuity of service or supply;
 - 8.4 Finance receives a copy of all signed agreements and associated relevant documentation (including any variations) and an accurate and current centralised contracts register is maintained;
 - 8.5 the appropriate procedure is used to procure any goods or services, noting that there is a separate policy and guidelines for the briefing of external counsel. It should be noted that the process to procure historians and expert witnesses is set out in this Policy and associated Guidelines and has an exemption;
 - 8.6 procurement is achieved using the appropriate contract, signed by the required authority under the Financial Delegations Policy;
 - 8.7 where consultants or temporary staff are required, the approved supplying agency is contracted from the AoG Panel. Where a Panel supplier is not appropriate or available, a

⁴ Refer to document 5189089.

non-Panel supplier may be contracted using the [NZGP Contract for Service model contract](#)⁵;

- 8.8 the appropriate procedures are followed in relation to:
- 8.8.1 the invoicing and receipt of goods and services; and
 - 8.8.2 the verification and set up of any new supplier or changing any supplier's payment details.
- 8.9 where emergency assistance or relief is required, the routine procurement procedures may be foregone provided that the financial delegations are adhered to at all times and impartiality, integrity and transparency are still maintained as much as reasonably possible⁶; and
- 8.10 any and all probity issues, whether actual, potential or perceived, are managed with the relevant line manager.

Responsibilities

Person/Party	Responsibilities
Leadership Team	<ul style="list-style-type: none"> • Promote and enforce the Procurement Policy and Guidelines • Sign all contracts within its delegated authority
Chief Financial Officer	<ul style="list-style-type: none"> • Set and maintain Crown Law's Procurement Policy and Guidelines and report to the Leadership Team on the Policy where necessary • Be responsible for and have oversight of all procurement within Crown Law (including tracking and maintaining a register of all contracts, training staff and having responsibility for all procurement reporting) • Point of approval for any exceptions to this Policy
Managers	<ul style="list-style-type: none"> • Responsibility for the procurement of all goods or services, the cost of any goods or services and the value received from them • Determine who in their respective group will be involved in procurement undertaken on behalf of Crown Law • Monitor and support anyone working at Crown Law who engages in procurement on behalf of Crown Law • Approve and sign procurement documents within their financial delegations and budget • Ensure procurement undertaken within their area of responsibility complies with all Crown Law policies and procedures and in particular this Policy • Provide all signed contracts to Finance for registration and filing in the centralised contracts register • Ensure all staff, contractors and service providers are inducted properly and understand their health and safety obligations • Manage all actual, potential or perceived conflicts of interest appropriately
All Staff	<ul style="list-style-type: none"> • Be familiar with this Policy, the Financial Delegations Policy and other related policies as referred to herein • Capability to purchase goods or services consistent with this Policy • Ensure any actual or perceived conflict of interest is formally declared and disclosed to the appropriate manager and that this is managed accordingly.

⁵ Any deviation from this requires commercial legal advice and sign off – please consult the Chief Financial Officer in this regard.

⁶ Refer to the Guidelines for details on specific requirements.

PROCUREMENT GUIDELINES

Procurement Methods and Thresholds (excluding expert witnesses and historians)

9. Once a decision has been made to procure goods/services, the appropriate method should be adopted as follows:
- 9.1 Where the goods/services are available through an existing supply arrangement, the relevant contract should be used:
- 9.1.1 All of Government (AOG) panel arrangements: where Crown Law is a party to the AoG contract, a panel provider must be engaged. Follow the AOG procedure and refer to Finance for a list of AOG panels that Crown Law has signed up to (eg travel management services, vehicle hire and recruitment services).
- 9.1.2 An alternate (non-AOG) arrangement is in place with a supplier who can provide the goods/services: engage the appropriate supplier. Refer to the Finance team for a list of common suppliers (eg Thompson Reuters/3E practice management systems).
- 9.2 If Crown Law does not have an existing arrangement in place with a suitable supplier, determine the maximum total estimated value of the procurement over the whole of life of the agreement. This includes any potential related costs including rights to renew, or associated purchases of goods or services. If in doubt, apply a higher maximum total estimated value.
- 9.3 Once you have the estimated whole of life cost of the agreement, use this value to establish the appropriate procedure as per below assuming paragraph 9.1 doesn't apply:

Maximum Total Estimated Value (METV) over the whole life of the procurement	Requirements	Additional Information
Under \$2,000	<ul style="list-style-type: none"> ➤ No quotes required ➤ Written approval (such as an email) from Manager (with the required financial delegated authority) ➤ Contract, email or other documentation (such as a room hire booking form or invoice) confirming the scope and details of the goods or services to be provided 	<ul style="list-style-type: none"> • Although no quotes are required public value should be sought.
\$2,000 to \$9,999	<ul style="list-style-type: none"> ➤ Three legitimate* verbal quotes ➤ Written approval from Manager (with the required financial delegated authority) ➤ Contract, email or other documentation (such as invoice) confirming the scope 	<ul style="list-style-type: none"> • If it is not possible to obtain three verbal quotes the reason should be added to the approval.

	and details of the goods or services to be provided	
\$10,000 to \$99,999	<ul style="list-style-type: none"> ➤ Three legitimate* written quotes ➤ Lite Procurement Plan for procurements greater than \$50,000⁷ ➤ Written approval from Manager (with the required financial delegated authority) ➤ Contract or statement of work 	<ul style="list-style-type: none"> • If it is not possible to obtain three written quotes the reason should be added to the approval request.
\$100,000 or more	<ul style="list-style-type: none"> ➤ Consult Finance at outset ➤ Business Case ➤ Competitive Tender Process ➤ Contract ➤ Procurement Plan⁸ ➤ Risk Management Strategy ➤ Legal sign-off 	<ul style="list-style-type: none"> • Published on GETs (Government Electronic Tenders Service) • Should form part of the Annual Procurement Plan. • Contact the Finance team for assistance.

* Where three legitimate quotes cannot be obtained, an exemption can be requested from the approved delegated authority. At all times, consideration should be given to the risk and complexity of the procurement: where the risk and complexity is low, a more pragmatic approach may be taken. Equally, where the risk or complexity is higher, additional approval may be sought.

Procurement Process

10. In agreeing any procurement, the following should be done:

10.1 A supplier should be selected following a fair and transparent process (as per the Procurement Methods and Thresholds above) always ensuring public value with consideration of any Broader Outcomes that can be achieved and on the basis the supplier will endeavour to meet the Supplier Code of Conduct which should be provided to it[LINK];

10.2 an approved contract should be used - either an All of Government (“AOG”) contract/service order (where an AOG relationship is in place), a New Zealand Government Procurement (“NZGP”) contract template agreement (www.procurement.govt.nz/templates)⁹ or a contract where commercial legal advice has been sought to ensure it meets Crown Law’s and any AoG requirements;

⁷ [Procurement Plan templates](#)

⁸ [Procurement Plan templates](#)

⁹ These contract templates are available via Insource on MBIE’s secured website. Refer to the Finance team for a copy of the relevant contract templates.

- 10.3 the approved contract should be signed by the appropriate delegated authority¹⁰ within Crown Law, on the basis of the estimated whole of life value of the contract (including any rights of renewal or associated costs);
- 10.4 any variation to the agreement should ideally be approved and signed by the same original signatory, provided always that it is signed by someone with the appropriate financial delegated authority;
- 10.5 the approved contract should include a copy of Crown Law's Health and Safety Policy, Guidelines and Hazard Management Plans so the supplier is able to understand and comply with Crown Law's health and safety expectations and consult with Crown Law if they need further clarification or amendment;
- 10.6 the approved contract (for onsite contractors and consultants) should include a copy of Crown Law's Policy, *Working at Crown Law: Security Expectations*, so the supplier is able to understand and comply with Crown Law's minimum security and confidentiality obligations and the expectations to managed and dispose of any relevant information records;
- 10.7 the supplier completes and signs a confidentiality agreement or a Certificate of Secrecy (attached to this policy) where it is anticipated that the supplier may have access to restricted information and submits this to Crown Law prior to commencing any work; and
- 10.8 a copy of all relevant documentation including the contract and any associated papers supporting the procurement decision should be sent to Finance for record-keeping.

Procurement Process: expert witnesses, historians, and kaumàtua

- 11. A fair, transparent process for selection should be followed to ensure public value is achieved wherever possible. It is acknowledged that there may be a very limited pool of people to select from (if indeed any choice is available) and that discretion may be required.
- 12. In any event, sign off should be obtained from the appropriate financial delegated authority/ies justifying the selection process by email or internal memo, detailing the information as per Appendix One.
- 13. Due to the nature of contracting expert witnesses, historians, and kaumàtua this type of expenditure is exempt from the threshold requirements and procurement procedures in this policy and the following procedures should be followed:
 - 13.1 Due care needs to be taken while selecting expert witnesses, historians, and kaumàtua to ensure a reasonable process has been followed such that the relevant experts have been considered, that those selected meet the requirements of Crown Law and that public value is being achieved wherever possible.
 - 13.2 a 'Letter of Instruction' is completed to include, but is not limited to:
 - 13.2.1 The requirements of the expert witness, historian, or kaumàtua,
 - 13.2.2 The maximum total estimated value 'MTEV' of the work (including any disbursement) over the life of the contract (exclusive of any GST),

¹⁰ Refer to the Financial Delegations Policy, 3507172.

- 13.2.3 The expected start and end dates of the work,
 - 13.2.4 The Letter of Instruction should be signed by a manager with the appropriate financial delegation.¹¹
 - 13.2.5 the Letter of Instruction should include a copy of Crown Law's Health and Safety Policy, Guidelines and Hazard Management Plans so the supplier is able to understand and comply with Crown Law's health and safety expectations and consult with Crown Law if they need further clarification or amendment;
 - 13.2.6 the Letter of Instruction should include a copy of Crown Law's Policy, *Working at Crown Law: Security Expectations* so the supplier is able to understand and comply with Crown Law's minimum security and confidentiality obligations and the expectations to manage and dispose of any relevant information records; and
 - 13.2.7 a copy of all relevant documentation including the Letter of Instruction and any associated papers supporting the procurement decision should be sent to Finance for record-keeping.
- 13.3 If the expert witness is engaged for a criminal matter an email requesting approval of the expert witness should be sent to the National Jury Scheduling Advisor at the Ministry of Justice (MoJ). Under the Witness Interpreters Fees Regulations, the Courts pay for the preparation and appearance fees for all expert witnesses called by the Crown. The email should include:
- 13.3.1 The MoJ approved template in the body of the email;
 - 13.3.2 The Expert Witness's CV as an attachment;
 - 13.3.3 A separate table for each expert witness proposed to be instructed (several tables may be included in a single email but each email must only be about a single proceeding); and
 - 13.3.4 These procedures apply whether it is intended the expert will actually attend Court or not, preparation time is recoverable as well as appearance time (and travel time/expenses as well).
- 13.4 If approved, MoJ will send two emails, one to advise the instruction has been approved and the other a pro forma email which needs to be submitted to the Court with the expert's invoice once it arrives to enable the Courts to arrange payment.
- 13.5 If for any reason MoJ does not approve the expert witness, approval will be required by the appropriate Deputy Solicitor-General (DSG). The Expert Witness' invoice, along with the DSG's approval and the letter of instruction should be sent to Finance for payment.

¹¹ Refer to the Financial Delegations Policy, 3507172.

Emergency Procurement

14. In a genuine emergency¹², Crown Law may need to be flexible in how it procures good and services that are required. Crown Law is permitted to forgo routine procurement procedures where the circumstances deem it reasonable and justifiable. Crown Law is permitted to purchase direct from a supplier if the delay involved in conducting routine procurement will prevent it from delivering the goods or services in time to bring effective relief.
15. A genuine emergency could be as a result of an unanticipated event that makes it impossible for Crown Law to perform its function in the necessary timeframe. The need to act without delay must be balanced against meeting Crown Law's overarching public sector obligations (to act lawfully, reasonably and with integrity).
16. Clarify that the situation can be justified as being treated as an emergency and that a flexible procurement approach is required. Accountability must be maintained: ensure that conflicts of interest are managed. Document the emergency procurements during or as soon as possible after the event. Clearly state in your records that the purchase was an emergency procurement and record the facts and circumstances to justify the approach. Note that the procurement process adopted is still subject to audit.
17. An exemption is available under Rule 14 of the Government Rules of Sourcing. Contact Finance for further information or to discuss or obtain the required exemption.

Contract Management

18. The person who leads the procurement must manage the contract for the duration of the contract. There are three key aspects to managing any supplier relationship/contract:
 - 18.1 **Managing relationship:** the appropriate level of communication, openness, trust and commitment by Crown Law and the provider is likely to give the best results.
 - 18.2 **Managing service delivery:** monitoring the performance of the supplier and working with them and the agency Crown Law is acting on behalf of to make sure the agreed services/goods are delivered, the required outcomes are achieved and the dollar value of the contract is not exceeded.
 - 18.3 **Administering the contract:** keeping the paperwork up-to-date, relevant and effective (e.g. ensuring any variations are signed in advance) and ensuring Finance and the agencies Crown Law is representing receives a copy of all relevant paperwork. This includes ensuring the required documentation (as per paragraph 5 above) is signed and returned to Finance.
19. When a new supplier is engaged, the Finance team will liaise with the relevant Crown Law staff member and the supplier to verify the existence of the supplier and to ensure the supplier's details are correctly set up in the financial system. This includes:
 - 19.1 conducting a company office search and an NZBN search;
 - 19.2 seeking a deposit slip to verify the new supplier's bank account details; and
 - 19.3 confirming the supplier's GST status and number.

¹² For more information talk to Finance or refer to: <https://www.procurement.govt.nz/guide-emergency-procurement.pdf>

Relevant Documentation and Links

- [The Principles of Government Procurement](#) (available from MBIE)
- [The Government Procurement Rules](#) (available from MBIE)
- [The Government Procurement Charter](#) (available from MBIE)
- [Supplier Code of Conduct](#) (available from MBIE)
- Certificate of Secrecy (IR820) (attached to this policy)
- External Acknowledgement of Health and Safety Obligations Form (attached to this policy)
- [Better business case templates](#) (available from The Treasury)