



15 April 2026

[REDACTED]

By email: [REDACTED]

Tēnā koe [REDACTED]

Official information request: R v Ratana
Our Ref: OIA-2526162

1. I refer to your official information request dated 23 March 2026. You have requested information about the Wellington Crown Solicitor's decision to discontinue a prosecution arising from damage caused to a Te Tiriti o Waitangi/Treaty of Waitangi exhibit at Te Papa in December 2023.
2. Specifically, you requested:
 - *Any memorandum or record summarising the decision to discontinue the prosecution.*
 - *Any document identifying whether the decision was made on evidential sufficiency grounds, public interest grounds, or both.*
 - *Any guidance or advice provided by Crown Law relating to the discontinuance decision.*

Context to my response

3. The case in question is *R v Ratana*. Mr Ratana and his co-defendant, Ms Murupaenga-Ikenn, had both been charged with causing intentional damage to the exhibit. Ms Murupaenga-Ikenn ultimately pleaded guilty to graffiti, was convicted and ordered to pay \$1,500 reparation.
4. It was a decision for the Crown Solicitor alone whether to take Mr Ratana's case to trial, seek to resolve it prior to trial, or apply to withdraw the charge.
5. In my capacity as Deputy Solicitor-General, Criminal, Mr Burston advised me the day before the callover of the application he intended to make and the range of matters he had taken into consideration. Mr Burston rightly considered there would be publicity, and accordingly he was wise to let me know.
6. My response to your request can only relate to information that Crown Law holds.

My response to your request

7. We hold information that is within scope of your request, but it is not official information under the Official Information Act 1982 (the Act) as it relates to the

performance of the Solicitor-General's Law Officer functions. Information that falls within the scope of your request, including verbal or written communications between Crown Law (in this case, me) and the Crown Solicitor, is held pursuant to my criminal Law Officer role, under s 185 of the Criminal Procedure Act 2011.

8. We have considered whether releasing this information would be in the public interest, but have decided to decline for the reasons given below, with the exception of the material addressed in paragraph 10.
9. The material you seek would be the legal work product of the Crown Solicitor, or would potentially be legal advice, and it would all be legally privileged. If such information was within scope of the Act we would have refused your request under s 9(2)(h) on the basis that it is subject to legal professional privilege, and the necessity to maintain that privilege outweighs any public interest in its release. It is not material that is normally made public, including under the Criminal Disclosure Act 2008. It would be a very significant step to disclose prosecution advice and evaluative legal material of the type you request.
10. In relation to your second bullet point, at paragraph 2 above, public reporting confirms the Crown Solicitor advised the District Court Judge there was sufficient evidence to prosecute, but it was not in the public interest for the case to proceed to trial. That is consistent with the information Mr Burston provided in response to a media company's request for comment. His response was forwarded to me and is attached.
11. 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.
12. 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.
13. If you wish to discuss this decision with us, please feel free to contact oia@crownlaw.govt.nz.

Nāku noa, nā

Crown Law



Madeleine Laracy
Deputy Solicitor-General (Criminal)

From: [REDACTED]
To: [Madeleine Laracy](#)
Cc: [Michelle Brown](#); [gjb](#)
Subject: FW: ZB Query
Date: Thursday, 12 March 2026 8:28:18 am

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Kia ora

Please see below response to media query by ZB.

Aku mihi nui ki a koe | Kind regards

[REDACTED]
Litigation Support Administrator - Kaihāpai Rōia
Luke Cunningham Clere

From: [REDACTED]
Sent: Wednesday, 11 March 2026 2:32 pm
To: 'emily.ansell@nzme.co.nz' <emily.ansell@nzme.co.nz>
Subject: ZB Query

Tēnā koe Emily

The following can be attributed to the office of the Wellington Crown Solicitor, Mr Grant Burston:

Mr Te Wehi Heketoro Ratana faced two charges in relation to his involvement in a protest action at the Museum of New Zealand Te Papa Tongarewa on 11 December 2023. The charges were intentional damage to a museum installation displaying the English text of the Treaty of Waitangi, and obstructing Police. The matter was set down for a jury trial in the Wellington District Court.

The Solicitor-General's Prosecution Guidelines 2024 require prosecutors to keep both parts of the test for prosecution under review - evidential sufficiency and public interest. On 2 March 2026 the case was set down for a firm jury trial fixture, to be heard on 30 March 2026. At that point the Crown Solicitor updated his review of the prosecution in light of discussions with defence counsel, the nature of the evidence and considerations to do with the imminent fixture.

At a pre-trial callover on 10 March 2026 the Crown Solicitor for Wellington applied for leave to withdraw the charges under s 146 of the Criminal Procedure Act 2011. In making that application the Crown Solicitor said he was satisfied there was sufficient evidence to

enable a properly directed jury to convict on both charges, but had determined that proceeding to a jury trial was not in the public interest at that time. The Court in response dismissed the charges pursuant to s 147 of the Act. This followed a successful application by Mr Ratana's defence counsel who submitted that dismissal was preferable to withdrawal.

The public interest assessment under the Guidelines is case-specific and never a tick-box exercise. It requires assessment and balancing of many factors. For example:

- 1. The seriousness of the type of offending and the particular offence, and the need for effective deterrence.*
- 2. Whether any sentence following conviction at trial was likely to only be minor.*
- 3. The interests of the victim; whether proceeding to trial increases the likelihood of the victim receiving meaningful reparations.*
- 4. Whether the allocation of public resources required to proceed to trial is proportionate to the benefits provided to the community by the prosecution.*

The Crown Solicitor does not intend to make any further statements about this matter

Aku mihi nui ki a koe | Kind regards



Litigation Support Administrator - Kaihāpai Rōia

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Litigation and public law specialists
Office of the Wellington Crown Solicitor

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