



12 December 2024

Solicitor-General issues new Prosecution Guidelines

Solicitor-General Una Jagose KC has published updated *Solicitor-General's Prosecution Guidelines* to support prosecutors and prosecuting agencies.

"I am pleased to be able to publish an updated set of Prosecution Guidelines. New Zealanders can have confidence these guidelines are clear, practical and most importantly, guide prosecutors to apply the law fairly. They will help guide consistent decision making across the more than 40 different prosecuting agencies in New Zealand. This new set of guidelines reflects the changes in law and practice since 2013 and the modern context in which prosecutions are conducted, as well as the increased number of prosecuting agencies," said Ms Jagose.

An update to current guidelines had been published on 1 October, and later that month the Solicitor-General decided to review the Introduction and the rest of the guidance for clarity.

"The public must be confident that prosecutors' decisions consider the individual circumstances of each case – that is what the criminal law has always required. This point is too important to allow for misunderstanding. From the questions and concerns sent to me in October, I could see that we hadn't made that point clearly enough. I took down all the October 2024 guidelines to ensure they were clear and unambiguous.

"I have reviewed every part of the guidelines thoroughly. I have replaced my introduction, where I could see my previous comments to prosecutors had introduced doubt or ambiguity for the public. I then reviewed the other guidelines and made a number of edits to ensure that my language is clear, and the guidelines reflect my expectations; that is, fair and consistent decisions that consider the circumstances of each individual case.

"My review will not delay the application of the guidelines. I am satisfied that the guidelines are clear and certain, and prosecutors will start applying them as planned from 2025. New Zealanders can be confident these guidelines help prosecuting agencies make consistent and fair decisions across the full spectrum of New Zealand law," said the Solicitor-General.

Although individual guidelines have been updated or added from time to time to reflect changes in the law, the revised guidelines represent the most comprehensive review since their introduction in 1992. The revised guidelines replace previous guidelines issued by the Solicitor-General and will be reviewed and updated as needed.

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The guidelines are now available on our website at www.crownlaw.govt.nz/prosecution-guidelines. We have also published general information about prosecutions in New Zealand at www.crownlaw.govt.nz/about-us/prosecutions.

Contact: media@crownlaw.govt.nz