

27 MAY 2019

Kate McIntyre
fyi-request-10033-677f925a@requests.fyi.org.nz

Dear Ms McIntyre

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 1 April 2019. Your request was clarified on 4 May 2019 for the following information:

Under section 182, 183 and 186 of the Crimes Act 1961 (relating to abortion), broken down by offence, by year and by ethnicity;

1. The total number of people arrested;
2. The total number of people charged;
3. The total number of people found guilty, including those who admitted the offences;
4. The total number of people convicted and
5. The total number of people sentenced.

Due to the small number of people charged and convicted of these offences each year, we are unable to provide the data broken down by year; this is to protect the identity of the people. We have provided totals for the entire period, 1980 to 2018.

In response to part 1 of your request, we are unable to provide you with the total number of people arrested for the offences of ss 182, 183, and 186 of the Crimes Act as the information you have requested is not recorded by the Ministry of Justice (the Ministry). Therefore, I am refusing your request as allowed by section 18(g)(i) of the OIA as there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

In response to part 2 of your request, refer to Table 1 attached. Please note that in some years no one was charged with an offence. In addition, some people might have been charged with multiple offences and in multiple years.

In response to part 3 and part 4 of your request, refer to Table 2 attached. Please note, 'people found guilty' and 'people convicted' of offences mean the same thing in the Ministry's Case Management System. We have interpreted 'found guilty' as receiving a 'proved outcome.' A proved outcome occurs where a person is found to be, or pleads, guilty. Proved outcomes include: convicted, Youth Court proved, discharged without conviction, adult diversion and Youth court diversion.

Please also find in response to part 3 of your request, for those who pleaded guilty to the offences, Table 3 attached to this response.

In response to part 5 of your request, refer to Table 4 attached. Please note that we have provided the total number of people convicted and imprisoned for any of the offences over the entire period from 1980 and 2018.

If you require any clarification of the information contained in this response please contact Julia Goode, Team Leader, Media and Official Correspondence, by calling (04) 918 8836; or emailing media@justice.govt.nz

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

I trust that this information assists.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Williams', with a stylized flourish at the end.

Richard Williams
Group Manager (Acting), Courts and Tribunals, Regional Service Delivery

Ref: 74701

Table 1: Number of people charged with offences under section 182, 183 and 186 Crimes Act 1961 between 1980 and 2018, by ethnicity

Ethnicity	1980 - 2018
European	12
Māori	16
Pacific Peoples	4
Other	2
Unknown	2
Total	36

Notes:

- This data counts a person only once between 1980 and 2018. Note that some people were charged with more than one offence over this period.

Table 2: Number of people convicted of offences under section 182, 183 and 186 Crimes Act 1961 between 1980 and 2018, by ethnicity

Ethnicity	1980 - 2018
European	8
Māori	5
Pacific Peoples	3
Other	0
Unknown	1
Total	17

Notes:

- This data counts a person only once between 1980 and 2018. Note that some people may have been charged with more than once offence and in multiple years.

Table 3: Number of people who pleaded guilty to offences under section 182, 183 and 186 Crimes Act 1961 between 1980 and 2018

	1980 - 2018
Number of people	8

Notes:

- This data counts a person only once between 1980 and 2018. Note that some people were charged with more than one offence over this time period.

Table 4: Number of people imprisoned for offences under section 182, 183 and 186 Crimes Act 1961 between 1980 and 2018, by ethnicity

Ethnicity	1980 - 2018
European	6
Māori	5
Pacific Peoples	3
Other	0
Unknown	1
Total	15

Notes:

- This data counts a person only once between 1980 and 2018. Note that some people may have been imprisoned more than once over this time period.

Description:

- Table 1: Number of charges for offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018, by offence type
- Table 2: Number of convicted charges for offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018, by offence type
- Table 3: Number of people charged with offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018, by ethnicity
- Table 4: Number of people who pleaded guilty to offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018
- Table 5: Number of people convicted of offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018, by ethnicity
- Table 6: Number of people imprisoned for offences under section 182, 183 and 186 Crimes Act 1961 (relating to abortion) between 1980 and 2018, by ethnicity

We are unable to answer the respondents questions as asked due to the small number of people charged and convicted of these offences each year. We have provided data for the entire time period (not by year) to protect the identity of the people charged/convicted.

Q1 (arrests) - We are unable to provide data for Q1 (arrests) as this information is held by Police.
- we have provided the total number of people charged with any of the offences by ethnicity.

Q2 (people charged) - we have provided the total number of people charged with any of the offences over the entire period from 1980 to 2018. In many years there were zero people charged. Some people may have been charged with multiple offences and/or in multiple years.
- we have provided the total number of charges and convicted charges for each of the offence types instead, for their information.

Q3 (people pros) - note that we have not provided a table for his as there were only people convicted of these offences; there were zero people who received an outcome of Youth Court proved, discharge without conviction, adult diversion and Youth Court discharge.

Q4 (people found guilty) - we have interpreted being "found guilty" as receiving a "proved outcome". A proved outcome occurs where a person is found to be, or pleads, guilty. Proved outcomes include: convicted, Youth Court proved, discharge without conviction, adult diversion and Youth Court discharge.
- we have provided the total number of people convicted with any of the offences by ethnicity.

Q5 (people convicted) - we have provided the total number of people convicted of any of the offences over the entire period from 1980 to 2018.
- we have provided the total number of people imprisoned for any of the offences by ethnicity.

Q6 (people imprisoned) - we have provided the total number of people convicted and imprisoned for any of the offences over the entire period from 1980 to 2018.

We have included an additional table (Table 4) to previously supplied which provide the total number of people who pleaded guilty to at least one of these offences between 1980 and 2018.