

09 MAR 2021

Zane Collins
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Ref: OIA 85890

Dear Mr Collins

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request dated 5 February 2021 for the following information:

1 - The total number of self litigants in-person dismissed/abandoned appeals and judicial reviews in the high court, the ones that were dismissed or abandoned due to the appellants' inability to pay the security for costs in advance. I want the total in the past 10 years.

2 - The number of security for costs waiver interlocutory applications filed by self litigants in person seeking to waive the security for costs in the High Court - in the past 10 years and the outcome of the applications.

The information you have requested is unable to be provided for the following reasons:

The Court's Case Management System (CMS) does not accurately reflect or record whether a party to a case is self-represented or represented by counsel.

CMS does not record whether 'Security for Costs' is *not* paid, it only records when 'Security for Costs' *is* paid. This is recorded by way of a file note, which forms part of the court record under s2(6) of the OIA and is not able to be extracted into a data table.

An application type 'Dispense with Security for Costs' exists, however, CMS is not able to identify any potential link between a 'Dispense with Security for Costs' application being declined and the relevant appeal case being abandoned/struck out/dismissed. Further, I can advise that there is no requirement for 'Security for Costs' to be paid on a judicial review, this is only required for appeals under r20.13 of the High Court Rules.

The Ministry of Justice is able to provide the number of applications to 'Dispense with Security for Costs', however, as noted above, CMS does not record whether an applicant is self-represented at the time of filing. If you would like the number of applications to 'Dispense with Security for Costs' and the outcomes of those applications only to be provided to you, please feel free to submit a request for this information.

For the reasons listed above, both of your questions are refused under s18(g) and s2(6) of the OIA, as some information forms part of the court record, and the remainder of the information is not held by the Ministry of Justice.

If you require any clarification of the information contained in this response please contact Alison Horwood, Media Manager, Media and External Relations, 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 in accordance with s28(3) of the OIA. You can contact the Ombudsman by writing to PO Box 10152, Wellington 6143, calling 0800 802 602 or emailing info@ombudsman.parliament.nz

Yours sincerely



Andrea King
Group Manager, Senior Courts