

26 November 2021

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Tēnā koe

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 30 October 2021 to the Ministry of Justice (the Ministry) requesting information specific to private prosecutions/charges. Your request was for the following:

I am requesting tables containing the following information:

- 1. (a) List of individuals/organisations that have filed a private prosecution, and (b) the sum total of the private prosecutions filed for each of these individuals/organisations.*
- 2. A list of offences that private prosecutions have been filed for, along with the sum total of private prosecutions filed for each offence, grouped by calendar year.*

For the purposes of this request, the time period should be interpreted as being between the Criminal Procedure Act 2011 coming in to force, until 31 October 2021.

On 9 November 2021, the Ministry sought clarification on your request. On 9 November 2021, it was confirmed with you that the Ministry could provide data from 1 January 2011 to 31 December 2020.

In response to part 1(a) of your request, I must advise that the Ministry is unable to provide the names of individuals or organisations that have filed a private prosecution, as information regarding the details of individual cases is considered court information. Courts are not subject to the OIA under section 2(6)(a). This is because the courts are independent of the executive branch of the government. The OIA therefore does not apply to the information you have requested.

In response to part 1(b) of your request please see attached Table 1, which provides the number of private prosecutions broken down by organisation and private individuals between 2011 and 2020.

In response to part 2 of your request, please see attached Table 2, which provides the number of private prosecutions broken down by offence type between 2011 and 2020.

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

Thank you for taking the time to write. I trust that this information assists.

Nāku noa, nā

pp



Jacquelyn Shannon

Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 91755

Encl:

1. Table 1: Number of private prosecutions broken down by organisation and private individual, between 1 January 2011 and 31 December 2020
2. Table 2: Number of private prosecutions broken down by offence type, between 1 January 2011 and 31 December 2020

Table 1: Number of private prosecutions, broken down by organisation and private individual, between 1 January 2011 and 31 December 2020

Private Prosecution Name	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Organisation	1	4	6	11	1	11	8	18	15	6
Private Individual	100	73	150	49	7	18	26	8	12	41
Total	101	77	156	60	8	29	34	26	27	47

Notes:

- This data counts the number of charges filed under each 'Private Prosecution' from 1 January 2011 to 31 December 2020.
- Year is based on the charge outcome date.
- Statistics are based on the Court's Case Management System as at 19 November 2021. As this is an operational system, data for earlier months may have been updated since any previous publications.
- The data for this response forms part of the Tier 1 2020/2021 financial year statistics. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data). There are principles and protocols that govern their production and release. More information about Tier 1 statistics is available from www.data.govt.nz/use-data/showcase/official-statistics/

Table 2: Number of private prosecutions, broken down by offence type, between 1 January 2011 and 31 December 2020

Private Prosecution Name	Offence type (ANZSOC division)	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
Organisation	02: Acts intended to cause injury	0	0	0	0	0	0	1	0	0	0	
	05: Abduction, harassment and other offences against the person	0	0	0	0	0	1	0	0	0	0	
	10: Illicit drug offences	0	0	0	0	0	0	1	0	0	0	
	11: Prohibited and regulated weapons and explosives offences	1	0	0	0	0	0	0	0	0	0	
	16: Miscellaneous offences	0	0	6	11	1	10	6	18	15	6	
	15: Offences against justice procedures, government security and government operations	0	4	0	0	0	0	0	0	0	0	
Private Individual	02: Acts intended to cause injury	4	19	3	2	2	0	1	0	1	1	
	03: Sexual assault and related offences	0	0	0	0	0	0	1	0	0	1	
	04: Dangerous or negligent acts endangering persons	0	3	1	0	0	0	0	1	1	0	
	05: Abduction, harassment and other offences against the person	0	0	1	2	0	0	0	0	1	1	
	06: Robbery, extortion and related offences	0	2	6	0	0	0	0	0	0	0	
	07: Unlawful entry with intent/burglary, break and enter	3	0	0	0	0	0	0	0	0	0	
	08: Theft and related offences	1	1	0	0	1	1	0	0	0	0	
	09: Fraud, deception and related offences	0	32	17	11	0	3	6	0	3	3	
	10: Illicit drug offences	1	0	0	0	0	0	0	0	0	0	
	12: Property damage and environmental pollution	0	0	0	1	0	0	0	0	1	0	
	13: Public order offences	13	1	10	0	0	0	1	0	0	22	
	15: Offences against justice procedures, government security and government operations	76	5	40	24	3	11	13	1	3	0	
	16: Miscellaneous offences	2	10	72	9	1	3	4	6	2	13	
	Total		101	77	156	60	8	29	34	26	27	47

Notes:

- This data counts the number of charges filed under each 'Private Prosecution' from 1 January 2011 to 31 December 2020.
- Year is based on the charge outcome date.
- Statistics are based on the Court's Case Management System as at 19 November 2021. As this is an operational system, data for earlier months may have been updated since any previous publications.
- "The Australian and New Zealand Standard Offence Classification is used to categorise offences into 16 divisions, within which subdivisions and groups exist. More information on ANZSOC can be obtained from: abs.gov.au/ausstats/abs@.nsf/mf/1234.0.
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