

07 FEB 2019

Alpine
fyi-request-9403-8d2d663d@requests.fyi.org.nz

Dear Alpine

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 15 January 2018 requesting information on prosecutions and convictions relating to the Postal Services Act 1998 (the Act). Specifically, your request was for:

1. *How many people have been prosecuted and convicted under the Postal Services Act 1998 in the last 20 years.*
2. *If there are any, please provide the details of the case.*

I have interpreted part 1 of your request as being for the number of people charged under the Postal Services Act 1998. In response to part 1 of your request, please see Table 1 attached. This table shows the number of people charged under the Act between 1998 and 2018 by financial year and outcome.

In response to part 2 of your request, I must advise that the Ministry of Justice does not hold details of individual cases. Details of individual cases are considered part of the court record and are held by the Courts of New Zealand which are excluded from the operation of the OIA under section 2(6)(a). Therefore, I am declining your request for details of the cases under section 18(g) of the OIA as the information is not held by the Ministry and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, by calling (04) 918 8980; 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



Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 72933

Table 1: Number of people charged under the Postal Services Act 1998 between 1998/1999 and 2017/2018 by outcome

Financial Year	Convicted	Other proved	Not proved	Total
1998/1999	14	2	12	28
1999/2000	21	2	5	28
2000/2001	9	7	8	24
2001/2002	13	2	9	24
2002/2003	15	3	5	23
2003/2004	11	2	5	18
2004/2005	5	11	3	19
2005/2006	9	3	6	18
2006/2007	10	3	12	25
2007/2008	13	0	5	18
2008/2009	9	0	8	17
2009/2010	14	5	9	28
2010/2011	17	2	2	21
2011/2012	7	4	2	13
2012/2013	11	4	3	18
2013/2014	10	0	1	11
2014/2015	3	1	3	7
2015/2016	9	2	1	12
2016/2017	10	0	4	14
2017/2018	9	1	4	14

Notes:

- Financial years start in July and end in June.
- This data is extracted based on the charge outcome year of each charge (e.g. the year that a charge is convicted).
- A person is counted once per year. When a person has more than one charge with an outcome in a year the details of the most serious offence are included in the statistics.
- The offences recorded under the Postal Services Act 1998 include s23 Unlawfully Opening Postal Article, s20(1) Divulgence Of Info Postal Services Act, s24 Posting Of Dangerous Enclosure, s21 Posting Of Objectionable Thing, and Other Breaches Postal Services Act.
- "Other proved" outcomes include being granted a discharge without conviction, being granted adult diversion, the charge being discharged by the Youth Court, or the charge is proved in the Youth Court and an order under section 283 of Oranga Tamariki Act 1989 made.
- "Not proved" outcomes include being acquitted and where the charge is withdrawn or dismissed.

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