

23 September 2022

I Brown
fyi-request-20367-037bffbd@requests.fyi.org.nz

Our ref: OIA 98729

Tēnā koe I Brown

Official Information Act 1982 request: Criminal Procedure Act 2011

Thank you for your email of 27 August 2022, requesting under the Official Information Act 1982 (the Act), information regarding the cost orders made under section 364 of the Criminal Procedure Act 2011. You have specifically requested:

Since the commencement date of the Criminal Procedure Act 2011:

1. *How many costs orders have been made under s364 of the CPA 2011 in total?*
2. *How many costs orders have been made under s364 of the CPA 2011 each year since the commencement of the legislation?*
3. *How many of those costs' orders, both in total and each year, have been against, respectively:*
 - a. *Defendants.*
 - b. *Defence counsel.*
 - c. *Prosecutors?*
4. *Of any cost orders made against prosecutors, how many have been made against, respectively:*
 - a. *Crown counsel individually.*
 - b. *Crown Solicitors or their offices generally.*
 - c. *Police Prosecution Service staff, whether counsel or sworn.*
 - d. *Officers in Charge of a case.*
 - e. *The New Zealand Police in general*
 - f. *Departmental prosecutors.*
 - g. *Any other person or organisation involved in bringing a prosecution.*
5. *How many costs orders specifically related to a failure to provide disclosure, whether relating to failure to provide disclosure in a timely fashion or for non-disclosure of an item or items?*
6. *What is the largest, the smallest, the mean, and the average costs award made under s364 CPA 2011, both in total and each year.*
7. *How many individual judges have made costs orders, in total (it is not necessary to provide the names of those judges).*

The Ministry of Justice does not hold official information relevant to this request, as this would require complex coding and the creation of new information. Therefore, I am refusing your request under section 18(g)(i) of the Act as the information is not held by the Ministry of Justice.

Should you have any concerns with this response, I would encourage you to raise these with the Ministry. Alternatively, you are advised of your right under section 28(3) of the Act to also raise any concerns with the Office of the Ombudsman. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'BF', with a long horizontal flourish extending to the right.

Bruce Findlay
Acting Group Manager, Courts and Tribunals
Regional Service Delivery