

17 February 2023

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Our ref: OIA 102129

Tēnā koe John

Official Information Act request: Private prosecutions

Thank you for your email of 19 January 2023 to the Ministry of Justice (the Ministry) in which you requested, under the Official Information Act 1982 (the Act), information about private prosecutions. Specifically, you sought:

Tables containing the following information please:

- 1. List of individuals/organisations that have filed a private prosecution, and the sum total claimed of the private prosecutions filed for each of these individuals/organisations Since John Banks was taken to court, including the file of John Banks Auckland Mayor for the year he was convicted at the court.*
- 2. To be more precise along with the table of information, I am also requesting the file of John Bank Auckland Mayor.*
- 3. A list of offences that private prosecutions have been filed for, along with the sum total of private prosecutions filed for each offense, grouped by calendar year since John Banks, Auckland Mayor court case was filed and to the current computer validated date. For the purposes of this request, the time period should be interpreted as and when John Bank's court case was filed to the current date or (the current date where the computer assesses as current).*

For ease of responding to your request, the sections have been numbered.

In response to the first part 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 court information. As the courts are independent of the executive branch of government (Ministers, government agencies and their officials), the Act does not apply to them under section 2(6)(a). Therefore, this part of your request is refused under section 18(g)(i) of the Act on the grounds that the information is not held by the Ministry.

Likewise, in response to the second part of your request, the Ministry does not hold files of specific court cases. These are held by the court and are not subject to the Act for the reasons outlined above. If you want to access court information, you need to apply to the court under the appropriate court rules. A decision on your request will be made by a registrar or judge. A fee may be charged. The form to do so is available at:
justice.govt.nz/assets/Documents/Forms/MOJ0148.2-Sept-2021-Application-for-access-to-

court-docs-updated-v0.6.pdf. The contact details for all courts are available at:
justice.govt.nz/contact-us/find-us/

In response to the third part of your request, please see the two attached tables:

- Table 1 provides the number of private prosecutions broken down by organisation and private individuals from 2012/2013 to 2021/2022, and
- Table 2 provides the number of private prosecutions broken down by offence type for the same period.

Please note the data in both tables form part of the Tier 1 financial year statistics which run from 1 July to 30 June. There are principles and protocols that govern their production and release. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data), which means data is currently available to June 2022. More information about Tier 1 statistics is available from: data.govt.nz/use-data/showcase/official-statistics

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



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

Table 1: Number of Private Prosecutions, broken down by organisation and private individual from 2012/2013 to 2021/2022

Private Prosecution Name	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Organisation	1	12	5	3	15	5	26	0	9	19
Private Individual	91	79	41	22	15	15	13	22	32	69
Total	92	91	46	25	30	20	39	28	41	88

Notes for Table 1:

- This data counts the number of charges filed under each 'Private Prosecution' from 1 July 2012 to 30 June 2022.
- Year is based on the charge outcome date.
- The data for this response forms part of the Tier 1 2021/2022 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 at: data.govt.nz/use-data/showcase/official-statistics/
- Data was extracted from the Case Management System on 02 February 2023.

Table 2: Number of Private Prosecutions, broken down by offence type from 2012/2013 to 2021/2022

Prosecutor	Offence type (ANZSOC division)	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Organisation	02: Acts intended to cause injury	0	0	0	0	0	1	0	0	0	0
	04: Dangerous or negligent acts endangering persons	0	0	0	0	0	0	0	0	0	1
	05: Abduction, harassment and other offences against the person	0	0	0	0	1	0	0	0	0	0
	10: Illicit drug offences	0	0	0	0	1	0	0	0	0	0
	15: Offences against justice procedures, government security and government operations	1	0	0	0	0	0	0	0	0	0
	16: Miscellaneous offences	0	12	5	3	13	4	26	6	9	18
Private Individual	02: Acts intended to cause injury	2	1	2	2	1	0	0	1	1	2
	03: Sexual assault and related offences	0	0	0	0	1	0	0	1	0	0
	04: Dangerous or negligent acts endangering persons	2	1	0	0	0	1	1	0	0	6
	05: Abduction, harassment and other offences against the person	0	3	0	0	0	0	1	0	1	0
	06: Robbery, extortion and related offences	3	3	0	0	0	0	0	0	0	0
	08: Theft and related offences	0	0	0	2	0	0	0	0	0	0
	09: Fraud, deception and related offences	4	15	9	3	6	0	1	5	0	54
	12: Property damage and environmental pollution	0	0	1	0	0	0	1	0	0	1
	13: Public order offences	10	1	0	0	1	0	0	0	25	5
	15: Offences against justice procedures, government security and government operations	31	15	23	11	2	14	1	2	0	1
16: Miscellaneous offences	39	40	6	4	4	0	8	13	5	0	
Total		92	91	46	25	30	20	39	28	41	88

Notes for Table 2:

- This data counts the number of charges filed under each 'Private Prosecution' from 1 July 2012 to 30 June 2022.
- Year is based on the charge outcome date.
- The data for this response forms part of the Tier 1 2021/2022 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 at: data.govt.nz/use-data/showcase/official-statistics/
- 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 found at: abs.gov.au/ausstats/abs@.nsf/mf/1234.0
- Data was extracted from the Case Management System on 2 February 2023.