

12 February 2024

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Our ref: OIA 108818

Tēnā koe Bevan

Official Information Act request: Private Prosecutions

Thank you for your email of 21 December 2023 requesting, under the Official Information Act 1982 (the Act), information regarding private prosecution statistics.

Specifically, you requested the following:

Can you provide statistics for:

- *how many private prosecutions were proposed to be commenced under the Criminal Procedure Act*
- *how many private prosecutions were commenced by the charging document being immediately accepted for filing by the Registrar under section 26(1)(a) of the Criminal Procedure Act*
- *how many private prosecutions were sought to be commenced and rejected under section 26(3) of the Criminal Procedure Act*
- *how many private prosecutions were commenced after the charging document was referred to a District Court Judge under section 26(1)(b) of the Criminal Procedure Act*

Please provide the data broken down by year if possible.

On the 19 January 2024, the Ministry of Justice (the Ministry) contacted you requesting a timeframe for your request under section 15(1AA) of the Act. Later that day, you responded:

Please provide the data for 2013 to 2023, broken down by year as I said.

We have interpreted your request to mean:

- the number of private prosecutions filed under the Criminal Procedure Act 2011
- the number of private prosecution charging documents accepted
- the number of private prosecution charging documents refused, and
- the number of private prosecution charging documents referred to a District Court Judge and granted.

You seek this data from 1 July 2013 until 31 December 2023. Section 26 of the Criminal Procedure Act 2011 (CPA), which governs private prosecutions, came into force on July 2013. The Criminal Procedure Act Commencement Order 2013 is available at: legislation.govt.nz/regulation/public/2013/0162/9.0/whole.html

In response to your request please see Tables 1 to 4, enclosed. Please note that this information provides for the District Court only. This is because charging documents are filed in the District Court.

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 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



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

Table 1: Number of private prosecutions filed under the Criminal Procedure Act 2011

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of applications	8	38	10	11	18	33	12	21	20	38	34

Notes for Table 1:

- Year is based on application filing date.
- This data covers applications filed between 1 July 2013 to 31 December 2023. Therefore, table 1 may include active applications that have not received an outcome.
- This data counts the number of charging documents filed under the application type, 2224: Private Prosecution to file charging document, which are recorded in the Court's Case Management System (CMS).
- The application type: 2224: Private Prosecution to file charging document came into effect 1 July 2013.

Table 2: Number of private prosecution charging documents accepted

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of applications	3	4	2	2	3	13	1	3	3	10	6

Notes for Table 2:

- Year is based on application outcome date.
- This data covers applications that received an outcome between 1 July 2013 to 31 December 2023.
- This data counts the number of charging documents filed under the application type, 2224: Private Prosecution to file charging document, which are recorded in the Court's Case Management System (CMS).
- The application type: 2224: Private Prosecution to file charging document came into effect 1 July 2013.
- When more than one event has been linked to the application, the outcome of the latest event has been included.

Table 3: Number of private prosecution charging documents refused

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of applications	3	31	6	6	10	13	4	13	15	28	21

Notes for Table 3:

- Year is based on application outcome date.
- This data covers applications that received an outcome between 1 July 2013 to 31 December 2023
- This data counts the number of charging documents filed under the application type, 2224: Private Prosecution to file charging document, which are recorded in the Court's Case Management System (CMS).
- The application type: 2224: Private Prosecution to file charging document came into effect 1 July 2013.
- When more than one event has been linked to the application, the outcome of the latest event has been included.

Table 4: Number of private prosecution charging documents referred to a District Court Judge and granted

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of applications	3	4	2	2	1	9	0	3	3	9	5

Note for table 4:

- Year is based on application outcome date.
- This data covers applications that received an outcome between 1 July 2013 to 31 December 2023
- This data counts the number of charging documents filed under the application type, 2224: Private Prosecution to file charging document, which are recorded in the Court's Case Management System (CMS).
- The application type: 2224: Private Prosecution to file charging document came into effect 1 July 2013.
- This data counts granted applications linked to an event seen to by a District Court Judge.
- When more than one event has been linked to the application, the outcome and judicial officer of the latest event has been included.