

1 June 2010

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By email: david.small@canterbury.ac.nz

Dear Dr Small

Thank you for your email of 3 May 2010 in which you request, under the Official Information Act 1982, statistics on breach of liquor ban and statistics with respect to the Land Transport Act 1998. Your email request is reproduced below in its entirety:

1. *Since liquor bans have been in force OR over the last 5 years (whichever is the shorter period)*
 - a. *How many people have been charged with a breach of liquor ban?*
 - b. *What ages were the people who have been charged? Age bands would be fine e.g. under 21, 21-25, 26-30, 31-35, 36-40, over 40*
 - c. *How many people charged with breaching a liquor ban have previously had no criminal record? If this could be broken into the same age bands, that would be good.*

2. *With respect to the Land Transport Act 1998*
 - a. *How many people have been required to undergo an impairment test under the provisions of S71A of the Land Transport Act 1998*
 - b. *What ages were the people who have been charged? Age bands would be fine e.g. under 21, 21-25, 26-30, 31-35, 36-40, over 40*
 - c. *Of those in 2(a) above, how many were subsequently required to give blood under S71 or S72 of the Land Transport Act 1998*
 - d. *What ages were the people required to give blood? Age bands would be fine e.g. under 21, 21-25, 26-30, 31-35, 36-40, over 40*
 - e. *Of those in 2 (c) above, how many were subsequently charged under S57A of the Act*
 - f. *What ages were the people who were charged under s57A? Age bands would be fine e.g. under 21, 21-25, 26-30, 31-35, 36-40, over 40*
 - g. *With respect to those who were charged under S57A, what drugs were they found to have taken and in what quantities?*

Questions 2a, c, d and g were subsequently transferred to NZ Police to answer.

With respect to Question 1, Table A shows the total number of people charged with a breach of liquor ban, by age group, between 2004 and 2008. Table B shows the total number of people charged with a breach of liquor ban between 2004 and 2008 who have no previous convictions, by age group.

Question 2 relates to sections 57A and 71A of the Land Transport Act 1998. Both sections came into force on 1 November 2009. However, the Ministry cannot answer this question as the data relating to these acts is part of conviction and sentencing statistics.

Conviction and sentencing statistics are classed as Tier 1 statistics and are subject to Statistics New Zealand's *Tier 1 Statistics and Protocols*, which includes a release date agreed to by the Ministry of Justice and Statistics New Zealand. Regrettably, this means that the 2009 conviction and sentencing statistics are not available for analysis at this time.

Until conviction and sentencing statistics are compiled, the information is held on the Ministry of Justice Case Management System (CMS), which forms part of the court record, and pursuant to section 2(6)(a) of the Official Information Act is not subject to the Act. Once the Ministry has undertaken its analysis of the information held on CMS, it will have created official information held by the Ministry of Justice that is subject to the Official Information Act. Regrettably, the Ministry is therefore unable to release 2009 conviction and sentencing statistics in accordance with section 18(e) of the Official Information Act, as the information requested does not exist at this particular point in time. The 2009 conviction and sentencing statistics will be published on 5 July 2010 through Table Builder on the Statistics New Zealand website.

You have the right under section 28(3) of the Official Information Act to complain to the Ombudsman, about the decision not to release the information referred to above.

I trust the information provided will be useful to you.

Yours sincerely



Marguerite Delbet
Director
Sector Strategy

Age group	Total
Under 21	11590
21-25	6075
26-30	2361
31-35	1344
36-40	954
Over 40	1016
Unknown	21
Total	23361

Notes

1. Source: Ministry of Justice. As with any administrative database, there are some instances of data inconsistencies, arising from some miscoding. Thus all figures extracted are assumed to have an error band.
2. The table only counts people who were had the trial process start and end between 2004 and 2008.
3. People are counted and identified by an identifier, issued by either the Police or the Courts. It is possible that a particular person may have multiple identities and aliases. Such people could be counted more than once.
4. Sometimes one person may be prosecuted in court involving breach of liquor ban several times over the period 2004-2008. That person will only be counted once for the most recent charge.

Age group	Total
Under 21	6856
21-25	2001
26-30	634
31-35	279
36-40	141
Over 40	138
Unknown	18
Total	10067

Notes

1. Source: Ministry of Justice. As with any administrative database, there are some instances of data inconsistencies, arising from some miscoding. Thus all figures extracted are assumed to have an error band.
2. The table only counts people who were had the trial process start and end between 2004 and 2008.
3. People are counted and identified by an identifier, issued by either the Police or the Courts. It is possible that a particular person may have multiple identities and aliases. Such people could be counted more than once.
4. Sometimes one person may be prosecuted in court involving breach of liquor ban several times over the period 2004-2008. That person will only be counted once for the most recent charge.
5. The criminal records check goes back to 1980 for conviction history occurred before the breach of liquor ban charge was heard. People with no criminal records are those not having been convicted.