

15 OCT 2018

Bob McCoskrie
bob@familyfirst.org.nz

Dear Mr McCoskrie

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 18 September 2018 regarding abortion data. Specifically, your request was for the following information:

1. *Our understanding is that since 1988 32 people have been charged with procuring abortion (s183 Crimes Act). Of those, 12 were convicted.*
 - a. *Could you confirm that this information is correct. If not, could you provide the correct figures*
 - b. *Please provide the details for each charge and whether the charge was under s 183(1)(a), (b) or (c) or a combination of those subsections for each charge*
 - c. *Please provide what the 12 defendants (or the correct number) were convicted for*
 - d. *What was the punishment for the 12 convictions (or the correct number of convictions)*

In response to part 1a of your request, I have provided you with the number of people charged and convicted of abortion related offences under sections 183 of the Crimes Act 1961. Please see Table 1 attached.

In response to part 1b of your request for the details of each charge, this information is not recorded by the Ministry of Justice. The information may be held by the courts which are excluded from the operation of the OIA under section 2(6)(a). Therefore, I am refusing part 1b of your request under section 18(g)(i) of the OIA as there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

In response to part 1c and 1d of your request, I have provided you with the number of people convicted of abortion related offences under section 183 of the Crimes Act 1961 by charge, sentence and financial year. Please see Table 2 attached.

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: 70819

Table 1: Number of people charged and convicted of abortion related offences under sections 183 of the Crimes Act 1961

	Number
Number of people charged (since 1987/1988)	32
Number of people convicted (since 1987/1988)	14

Notes:

- A person is counted once per year per offence type in the table above.
- The above counts include charges and convictions relating to the following offence codes:
 - 1152: Procures Abortion By Drug Or Instrument - Crimes Act 1961 s 183 (a) & (b)
 - 1153: Procures Abortion By Other Means - Crimes Act 1961 s 183 (c)
 - 1159: Other Abortion - Crimes Act 1961 Sec 182-187
- The number of people convicted is different from previous information released due to the offence code 1159 being included in this instance. Offence code 1159 is a code that can be used to cover a criminal act under sections 182-187 of the Crimes Act 1961. Given section 183 falls within that range it has been included.

Table 2: Number of people convicted of abortion related offences under sections 183 of the Crimes Act 1961, by charge, sentence and financial year

Legislative Reference	Charge	Sentence	1988/1989	1993/1994	1995/1996	1999/2000	2003/2004	2004/2005	2005/2006	2006/2007	2008/2009	2013/2014
Crimes Act 1961 s 183 (a) & (b)	1152: Procures Abortion By Drug Or Instrument	Imprisonment	0	0	1	0	0	0	0	0	0	0
Crimes Act 1961 s 183 (c)	1153: Procures Abortion By Other Means	Imprisonment	1	2	0	1	3	0	1	0	1	1
		Community work	0	0	0	0	0	1	0	0	0	0
Crimes Act 1961 s 182 - 187	1159: Other Abortion	Imprisonment	0	0	0	0	0	0	1	1	0	0

Notes:

- This data is based on the charge outcome year of each charge (e.g. the year that a charge is convicted). Financial years start in July and end in June.
- A person is counted once per year per offence type in the table above.
- The following financial years had no convictions recorded under the relevant sections of the Crimes Act 1961:
 - 1989/1990 to 1992/1993, 1997/1998, 1998/1999, 2000/2001 to 2002/2003, 2007/2008, 2009/2010 to 2012/2013 and 2014/2015 to 2017/2018.