

16 May 2025

Tēnā koe

Thank you for your request to the Department of Conservation (the Department), received on 15 April 2025, in which you asked for:

- 1. How many prosecutions has your agency undertaken between 1 January 2020 and the current date (please break down by year/legislation if possible)?*
- 2. What is the recorded ethnicity of people prosecuted by your agency between 1 January 2020 and the current date?*
- 3. How many non-prosecution outcomes, such as warning letters, instant fines, or other mechanisms has your agency implemented/imposed between 1 January 2020 and the current date (please break down by year, legislation and outcome if possible)?*
- 4. What is the recorded ethnicity of people affected by the outcomes in question 3?*
- 5. What is the process for your agency to review files before commencing prosecution action? Under what circumstances would your agency choose not to prosecute an offender?*
- 6. How many prosecutions have been either started and withdrawn, or not started, after ethnic/cultural factors were identified between 1 January 2020 and the current date?*
- 7. How many prosecutions have been either started and withdrawn, or not started, after other factors in the Solicitor General's guidelines were identified as being inappropriate to take prosecution action between 1 January 2020 and the current date?*

We have considered your request under the Official Information Act 1982 (the OIA).

We are extending the time limit for responding to question 3 of your request under section 15A(1)(a) of the OIA. This extension is necessary because responding properly requires manually sorting through substantial amounts of information.

The extended due date for question 3 is Friday, 30 May 2025. We will provide you with this information as soon as it is available within the extended timeframe.

Please see our responses to your questions below.

- 1. How many prosecutions has your agency undertaken between 1 January 2020 and the current date (please break down by year/legislation if possible)?*

We have attached a table summarising prosecutions initiated by our agency from January 2020 to June 2025 – see the document schedule below. The prosecutions are broken down by financial year and legislation.

2. *What is the recorded ethnicity of people prosecuted by your agency between 1 January 2020 and the current date?*

The Department does not systematically collect or record ethnicity data for individuals subject to prosecution. As such, this information is not held, and we decline this part of your request under section 18(g) of the OIA – the information is not held by the Department.

3. *How many non-prosecution outcomes, such as warning letters, instant fines, or other mechanisms has your agency implemented/imposed between 1 January 2020 and the current date (please break down by year, legislation and outcome if possible)?*

As noted above, we are extending the timeframe for responding to this part of your request. A response will be provided to you by 30 May 2025.

4. *What is the recorded ethnicity of people affected by the outcomes in question 3?*

The Department does not systematically collect or record ethnicity data for individuals subject to non-prosecution. As such, this information is not held, and we decline this part of your request under section 18(g) of the OIA – the information is not held by the Department.

5. *What is the process for your agency to review files before commencing prosecution action? Under what circumstances would your agency choose not to prosecute an offender?*

Please see the document schedule below for a copy of the Department's current Prosecution Policy 2022, which outlines the process followed when prosecution decisions are made – specifically see parts 3, 4, 6 and 8. This policy is currently under review following the release of the revised Solicitor-General's Prosecution Guidelines in December 2024, and an updated version is expected later this year.

6. *How many prosecutions have been either started and withdrawn, or not started, after ethnic/cultural factors were identified between 1 January 2020 and the current date?*

The Department does not systematically record cultural or ethnic factors as discrete reasons for withdrawal or non-initiation of prosecutions. While such factors may be considered on a case-by-case basis as part of the public interest assessment, there is no central data to quantify how often this occurs. Accordingly, this part of your request is declined under section 18(g) – the information is not held by the Department.

7. *How many prosecutions have been either started and withdrawn, or not started, after other factors in the Solicitor General's guidelines were identified as being inappropriate to take prosecution action between 1 January 2020 and the current date?*

Of the 164 prosecutions initiated during the requested period, four were withdrawn. Of those, one was withdrawn specifically on public interest grounds in accordance with the Solicitor-General's Prosecution Guidelines. In addition, 87 matters were resolved by way of diversion, resulting in those prosecutions being dismissed under section 148 of the Criminal Procedure Act 2011.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) and attached documents may be published on DOC's website.

Nāku noa, nā



Jonty Somers
Chief Legal Adviser
Department of Conservation
Te Papa Atawhai

Document schedule

Item	Date	Document description	Decision
1	May 2025	DOC prosecution data 2020-2025	Released in full
2	21 March 2022	DOC Prosecution Policy 2022	Released in full