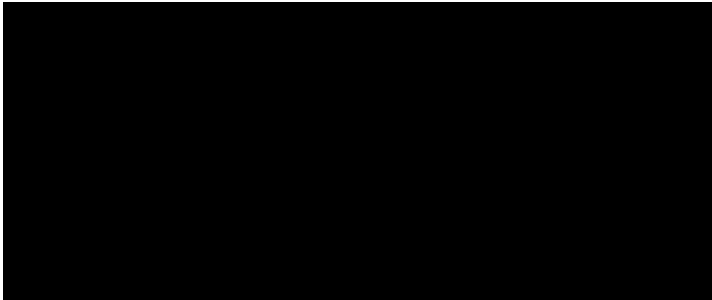


9 November 2021



Official Information Act #21.035 – Justice and Crime Statistics

1. We refer to your request received on 6 September 2021 for data over the following years:
 - 1.1 2000/01
 - 1.2 2005/06
 - 1.3 2010/11
 - 1.4 2015/16
 - 1.5 2018/19
 - 1.6 2019/20
 - 1.7 2020/21
2. For each of these years, you requested:
 - 2.1 The number of investigative staff at the Commission;
 - 2.2 The number of prosecution staff at the Commission;
 - 2.3 The number of complaints received;
 - 2.4 The number of complaints that became subject to formal investigations;
 - 2.5 The number of complaints that led to prosecutions;
 - 2.6 The number of complaints that led to convictions;

- 2.7 The total value of the offences prosecuted;
 - 2.8 How much money was recovered;
 - 2.9 The budget of the investigative unit;
 - 2.10 The budget of the prosecution unit; and
 - 2.11 The amount spent on external legal counsel.
3. You also requested information on the how the Commission's investigation and complaints assessment processes works.
4. On 14 September it was clarified that:
- 4.1 Question [2.1] has been refined to the number of investigative roles [FTE] for each financial year. The Commission's financial year is 1 July to 30 June.
 - 4.2 The Commission does not have dedicated prosecution staff and therefore you have withdrawn question [2.2].
 - 4.3 In response to question [2.3], the years of 2015/16, 2018/19, 2019/20 and 2020/21 are, or will soon be, publicly available on the Commission's website. The Commission will respond with the remaining years if the information is held.
 - 4.4 As questions [2.4] - [2.6] is a substantial collation exercise for the Commission to undertake, you have narrowed your questions to the years of 2010/11, 2018/19 and 2019/20.
 - 4.5 That questions [2.7] and [2.8] can be re-framed as: what was the total amount of settlements in cases successfully prosecuted?
 - 4.6 The Commission can answer questions [2.9] – [2.11] but cannot provide the data for the years of 2000/01 and 2005/06 as this information is not held.
 - 4.7 Information relating to question [3] is publicly available on our website.
5. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

6. We have decided to grant your request.

Question [2.1]: Number of investigative staff at the Commission

7. In response to question [2.1], the Commission had the following numbers of investigative roles [FTE]:
- 7.1 2018/19: 42

7.2 2019/20: 46

7.3 2020/21: 52

8. These numbers relate to investigators across the Commission's branches: Competition, Fair Trading and Credit. These investigators do not solely work on matters relating to financial crime.
9. The Commission does not hold the number of investigative roles [FTE] for the financial years of 2000/01, 2005/06, 2010/11 and 2015/16. We are therefore unable to provide you with this information.

Question [2.3]: Number of complaints received

10. The Commission does not hold full and accurate complaint data for the years 2000/01, 2005/06 and 2010/11. We are therefore unable to provide you with this information.
11. We note the remaining years requested are publicly available. We have re-provided the links to this information below:
- 11.1 [2015/16](#)
- 11.2 [2018/19](#)
- 11.3 [2019/20](#)
- 11.4 2020/21: Will be publicly available in early November 2021
12. We note that these numbers are the total number of complaints received by the Commission for that year and are not specific to financial crime complaints at the Commission (as is the theme of your request). It is not possible for the Commission to accurately provide the numbers of complaints relating to financial crime.

Questions [2.4] – [2.6]: Number of complaints that led to formal investigation, prosecution and conviction

13. We have set out the answers to [2.4] – [2.6] **below**.
14. We have provided the number of complaints which resulted in formal investigations, led to prosecutions, and convictions. We have also provided the number of complaints which led to settlement or enforceable undertakings.

Financial Year	Complaints that led to formal investigation	Complaints that led to prosecution	Complaints that led to conviction	Complaints that led to settlement	Complaints that led to enforceable undertakings
2018/19	268	102	95	5	3
2019/20	581	29	3	3	2

15. We have calculated these numbers based on the start date of the investigation. Some investigations are not closed within a year of opening, this means that some of the numbers provided to you represent matters which are not yet closed.
16. We also note that we have answered this question by looking for the number of complaints that *contribute* to investigations, as opposed to *being the subject to* investigations. The Commission does not typically investigate single complaints, but complaints we receive, along with other intel and analysis help us decide whether to investigate. We have also narrowed our search by only looking at the Commission's "mod/high" level investigations, rather than low-level investigations. Low level investigations do not go to prosecution and are more likely to result in engagement with traders to assist them in understanding their obligations.
17. These numbers are not specific to financial crime investigations, prosecutions and convictions (as is the theme of your request). It is not possible for the Commission to accurately provide the numbers of complaints relating to financial crime.
18. We note that the Commission does not hold full and accurate information relating to the financial year of 2010/11. We are therefore unable to provide you with this information.

Questions [2.7] – [2.8]: Total settlements in cases successfully prosecuted

19. We have set out the answers to [2.7] and [2.8] **below**.
20. We have answered these questions by providing the total penalties and total compensation/reparation/refunds for each financial year.

Financial year	Penalty	Reparation / Compensation / Refunds
2005/06	\$5,920,600	\$10,124,685
2010/11	\$23,530,600	\$4,142,235
2015/16	\$5,404,000	\$4,807,753
2018/19	\$9,260,187.00	\$1,013,753.00
2019/20	\$3,247,035.00	\$44,239,262.00
2020/21	\$7,175,100.00	\$21,471,842.76

21. We note these numbers have been calculated based upon the date the party was ordered or agreed to pay.
22. These numbers are not specific to financial crime. It is not possible for the Commission to accurately provide the numbers of complaints relating to financial crime.

23. The Commission does not hold full and accurate complaint data for the year 2000/01. We are therefore unable to provide you with this information.

Questions [2.9]: Budget of investigative unit

24. We have set out the response to [2.9] at **Attachment A**.
25. The figures are in thousands, e.g. 14,400 is \$14,400,000 or \$14.4 million.
26. We have answered this question by looking at the total budget (salaries, external costs + overheads) for the Fair Trading team (including Product Safety and Information Standards) and our Credit team. We have looked at these teams as the Fair Trading Act and Credit Contracts and Consumer Finance Act contain criminal provisions. However, we note not all investigations conducted by these teams will have been under criminal sections.
27. The Commission does not hold full and accurate complaint data for the years 2000/01 and 2005/06. We are therefore unable to provide you with this information.

Question [2.10]: Budget of the prosecution unit

28. We have set out the answers to [2.10] at **Attachment A**.
29. The figures are in thousands, e.g. 14,400 is \$14,400,000 or \$14.4 million.
30. We have answered this question by providing the budget for the all the Commission's litigation activities, given that we do not have a dedicated prosecution unit. These budgets are not limited to matters of financial crime.
31. The Commission does not hold full and accurate complaint data for the years 2000/01 and 2005/06. We are therefore unable to provide you with this information.

Question [2.11]: Amount spent on external legal counsel

32. We have set out the answers to [2.11] at **Attachment A**.
33. The figures are in thousands, e.g. 14,400 is \$14,400,000 or \$14.4 million.
34. We have answered this this question by pulling together the expense code at the Commission for legal consultants. These totals do not relate to legal consultants engaged for matters relating to financial crime, but represent the Commission's total amount spent on external legal counsel.
35. The Commission does not hold full and accurate complaint data for the years 2000/01 and 2005/06. We are therefore unable to provide you with this information.

Question [3]: Commission's investigatory and complaints assessment processes

36. We have re-provided the links to the relevant Commission processes:
- 36.1 The Commission's complaint process: [here](#)

36.2 The Commission's investigation and enforcement guidelines: [here](#)

Final Notes

37. Please note the Commission will be publishing this response to your request in the OIA register on our [website](#). Your personal details will be removed from the published response.
38. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely



Alexandra Murray
OIA and Information Coordinator

Released Under Official Information Act 1982

Expenditure analysis for OIA 21.035

Report run 14-Sep-2021 16:17:12

'Investigative unit' question

	2020/21 Budget	2019/20 Budget	2018/19 Budget	2015/16 Budget	2010/11 Budget
12.01 - Fair Trading Act	6,277	5,609	5,182	3,802	3,137
12.02 - Product safety and information standards	863	856	822	464	284
12.03 - CCCF Act	7,260	5,482	2,133	1,429	1,316
	14,400	11,947	8,138	5,695	4,736

'Prosecution unit' question

	2020/21 Budget	2019/20 Budget	2018/19 Budget	2015/16 Budget	2010/11 Budget
12.08 - Consumer litigation	2,576	2,219	1,964	1,245	-
81.01 - Major Lit - Market structure	-	-	991	718	-
81.02 - Major Lit - RTP proceedings	1,859	2,345	2,242	4,577	4,953
81.03 - Major Lit - RTP determination appeals	-	-	200	200	526
81.04 - Major Lit - Merger determination appeals	640	828	1,449	500	-
81.08 - Major Lit - Merger proceedings	1,059	964	-	-	-
82.01 - Major Lit - Fair Trading Act	2,387	2,405	2,872	2,291	946
82.03 - Major Lit - CCCF Act	2,914	2,470	1,466	628	810
83.02 - Major Lit - Telco TSO cost determinations	-	-	-	-	223
87.01 - Major Lit - Input methodologies determinations	-	-	-	-	405
87.02 - Major Lit - Regulation	2,894	1,716	1,249	659	-
	14,329	12,948	12,434	10,818	7,863

'Amount spent on external legal counsel' question

	2020/21 Actual	2019/20 Actual	2018/19 Actual	2015/16 Actual	2010/11 Actual
3210 - Consultants - Legal Major Lit	-	-	-	-	4,223
3212 - Consultants - Legal Other	4,560	5,354	4,921	4,426	954
	4,560	5,354	4,921	4,426	5,176