

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**CRI 2012-085-009093
[2014] NZHC 1244**

THE QUEEN

v

JOHN ARCHIBALD BANKS

Conviction of John Banks MP to be advised to speaker

To the Registrar Auckland High court

1. I have been in touch with the secretary of the speaker of the house who informs me that they have not been advised of Mr. Banks conviction
2. We Understand that there has been a change in the law and it would appear that the words Convicted and Guilty now may not be synonymous
3. His honour in his decision Paragraph 6 states

[6] The information against Mr Banks was laid on 10 December 2012. Sections 105 and 106 of the Criminal Procedure Act 2011 apply to Judge-alone trials. However, those provisions only came into force on 1 July 2013. Pursuant to s 397 of the Act, this matter has been determined in accordance with the law as it was before that date.

4. The law prior to 1 July 2013 also included the only definition of conviction which was found under section 3 of the crimes act and repealed on 1.july 2013
5. The law which is applicable to the guilty finding also applies to the definition of convicted being that section 3 of the crimes act 1961

3. Meaning of "convicted on indictment"---For the purposes of this Act, a person shall be deemed to be convicted on indictment if---

(a) He pleads guilty on indictment; or

(b) He is found guilty on indictment; or

(c) He is committed to the Supreme Court for sentence under section 44 or section [153A or section] 168 of the Summary Proceedings Act 1957; or (d) After having been committed to the Supreme Court for trial, he pleads guilty under section 321 of this Act.

6. Paragraph 2 of his Honours decision states that Mr. Banks was charged on Indictment and Paragraph 3 states that he has been found guilty .
7. We therefore urgently request that you seek to confirm this and if confirmed advise the speaker of the house forth with.

Grace Haden

Penny Bright