

28/04/23

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2023/10

On 18 April 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

what the definition of the term "person" is in the Electoral Act 1993

The term "person" can be used to mean a natural person or a legal person. The term "person" is not defined in the Electoral Act 1993 and the expression is not used consistently in the Act. Sometimes it clearly refers to a natural person; at other times it seems to be used more widely.

A "person" is defined in s 13 of the Legislation Act 2019 to include "a corporation sole, a body corporate, and an unincorporated body". The Legislation Act definition applies unless the enactment provides otherwise or the context of the enactment requires a different interpretation.

So, in answering your question, there is no one definition of person in the Electoral Act, and the term is used differently in different parts of the Act.

For example, parts of the Electoral Act only contemplate natural persons, departing from the Legislation Act presumptions. For example, the qualification of electors under s 74 is limited to adult citizens and permanent residents, and members of Parliament must be registered electors under

s 47. However, Parts 6AA and 6A contemplate the full range of "persons" as both donors and promoters. This is evident in the definitions of "New Zealand person" and "overseas person" in

s 207, as well as the scope of "promoter" in s 204L.

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Kristina Temel
Manager Legal and Policy