



26 June 2020

D J Blair  
fyi-request-12905-4d246d0a@requests.fyi.org.nz

Our ref: OIA 81985

Dear D J Blair

### **Official Information Act request: Interpretation of legislation**

Thank you for your email of 27 May 2020 requesting, under the Official Information Act 1982 (the Act), information about the interpretation of legislation. Specifically, you asked:

*Greetings, can you please help me in the interpretation of The Interpretation Act 1977? I was curious about the writing of legislation. I was wondering if the words are to be taken literally or if legalese is practiced. I became aware of the: "inclusio unius est exclusio alterius" as rule of interpretation that states 'including one excludes another'. My understanding is if this applied to: The Interpretation Act 1999 Part 5 29. New Zealand or similar words referring to New Zealand, when used as a territorial description, mean the islands and territories within the Realm of New Zealand; but do not include the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency. My question is, does this mean New Zealand in legal terms, is actually The Cook Islands, Nuie, Tokelau or Ross Dependency? Further to that: Cook Islands Act 1915 New Zealand means the Dominion of New Zealand exclusive of the Cook Islands. Once again, does this mean New Zealand is actually the cook islands?*

In reaching an interpretation of an Act, a court will rely on certain rules and conventions of statutory interpretation as well as the fundamental principles of law. The Interpretation Act 1999 is the primary source of the rules of statutory interpretation in New Zealand.

The meaning of an enactment must be ascertained from its text and in light of its purpose (see section 5 of the Interpretation Act 1999). Generally, words in an enactment will be given their natural or ordinary meanings. However, an Act must be read as a whole, and other factors such as the surrounding words, the subject matter of the relevant part of the Act and the overall scheme of the Act may sometimes call for a different interpretation. The use of an interpretation section can greatly reduce the scope for ambiguity.<sup>1</sup>

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<sup>1</sup> *Statutory interpretation and the Interpretation Act 1999*, Legislation Design and Advisory Committee, <http://www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/issues-relevant-to-all-legislation/chapter-13/>

You have asked several questions about the Realm of New Zealand. The Ministry of Justice holds no specific documents that fall within the scope of your request. Accordingly, your request is refused under section 18(e) of the Act as the information requested is not held by the Ministry of Justice. I have, however, provided some information below on this matter which you may find useful. This information has been sourced from the Ministry of Foreign Affairs and Trade's website.

- The Cook Islands and Niue are both self-governing countries, in free association with New Zealand.
- Tokelau is a dependent territory of New Zealand.
- New Zealand maintains a right of sovereignty over Ross Dependency.

Further information can also be found on the Ministry of Foreign Affairs and Trade's website, via: [www.mfat.govt.nz/](http://www.mfat.govt.nz/)

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely



Caroline Greaney  
**General Manager, Civil and Constitutional Policy**