

31 January 2017

Daniel Bishop
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Dear Mr Bishop

Request for information: interpretation of statutes

I refer to your email of 29 December 2016 requesting the following information under the Official Information Act ('OIA') 1982:

1. *What is the intended (or official) hierarchy for interpreting definitions in New Zealand legislation? E.g. the relevant act, 1999 Interpretations Act, (a law dictionary?, blacks? bouviers?)*
2. *Are there official or department guidelines to the drafting or interpretation of legislation? If so could they please be included in your response*
3. *Under the 1991 Interpretations Act, the terms "person" is defined as: "person includes a corporation sole, a body corporate and an unincorporated body" does this definition include a "natural person" under this act? if it does under what interpretation does it, i.e. which canons.*
- ...
4. *If the OIA is not the correct or only channel for the question, where could a person get an executive office or other government stance on interpretation?*

Response

I must advise you that the first and third elements of your request do not fall within the scope of the OIA. Rather, these queries constitute requests for legal advice on general statutory interpretation principles and the meaning of a particular legislative provision. These elements of your request are accordingly refused on the basis that the OIA does not apply.

In the second element of your request, you have asked for any official or departmental guidelines on the drafting or interpretation of legislation. The Parliamentary Counsel Office and the Legislation Design Advisory Committee have each published such guidelines, which are publicly available. They can be found at:

- Parliamentary Counsel Office *Drafting Manual – Chapter 3, Principles of Clear Drafting*: www.pco.parliament.govt.nz/clear-drafting/

- Legislation Design Advisory Committee *LAC Guidelines on Process and Content of Legislation – Chapter 12, Statutory interpretation and the Interpretation Act 1999*: www.ldac.org.nz/guidelines/lac-revised-guidelines/chapter-12/

In respect of the final element of your request, if you wish to learn more about the interpretation of statutes in New Zealand, you may wish to either seek independent legal advice or consult publicly available legal texts on the matter, such as *Burrows and Carter: Statute Law in New Zealand*.

Yours sincerely



Edrick Child
Deputy Chief Legal Counsel