

01 March 2024

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2024/012

On Sunday, 11 February you made a request under the Official Information Act 1982 (the OIA) for the following information:

How many complaints did you receive about the alleged treating at the Manurewa Marae during the voting period 2023?

How many complaints did you receive about the alleged unlawful advertising by te Party Maori during the voting period 2023?

What was the outcome of these complaints?

Answers to your questions have been set out below.

1. *How many complaints did you receive about the alleged treating at the Manurewa Marae during the voting period 2023?*

The Commission received 7 complaints about alleged treating at Manurewa Marae during the 2023 General Election voting period.

Under section 217 of the Electoral Act 1993, anyone who gives or provides food, drink, entertainment or provision is liable for prosecution for the corrupt practice of treating, if done “for the purpose of corruptly” influencing that person to, generally put, alter their voting behaviour or procedure at the defendant’s election.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of “treating” requires an intention on the part of the person treating to influence the votes of the persons treated.

Based on the information we have, we did not consider that the allegations of treating at the Manurewa Marae would meet the high test for treating and did not refer the matter to Police.

2. *How many complaints did you receive about the alleged unlawful advertising by te Party Maori during the voting period 2023?*

We received 17 complaints about alleged unlawful advertising by Te Pāti Māori during the 2023 General Election voting period.

All of these complaints related to election day activity, with 16 of the complaints relating to signs that were still up on election day, and one complaint about a social media post on election day.

The Commission looked into all 17 complaints and concluded that there were no matters that required referral to the police. This is either because they did not constitute breaches of the Electoral Act, or because the signs were taken down shortly after notification that they were still up, so the defence in section 197(2)(b) of the Electoral Act applied. Where signs were taken down, we did not refer matters to Police for any party, including Te Pāti Māori.

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