

15 February 2023

Adam Irish  
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Our ref: OIA 102084

Tēnā koe Adam

### **Official Information Act 1982 request: Political foreign interference**

Thank you for your email of 20 December 2022 to the Department of the Prime Minister and Cabinet requesting, under the Official Information Act 1982 (the Act), information relating to safeguards for funding of political parties and politicians.

On 17 January 2023, you were advised that part 3 of your request was transferred under section 14 of the Act to the Ministry of Justice (the Ministry), as the Ministry administers the Electoral Act 1993, which regulates electoral financing.

Specifically, the part of your request transferred to the Ministry was:

*What safeguards are in place to ensure political parties and politicians across the political spectrum are not receiving funding or benefit from foreign governments or entities or individuals with close ties foreign governments. That create undue influence on those individuals.*

I am refusing your request under section 18(d), as the information requested is publicly available. However, I can provide you with the following comments.

In respect of electoral financing, the Electoral Act 1993 imposes a \$50 cap on donations from an overseas person to a candidate or party (section 207K). Any excess overseas donation must be returned to the overseas person (or, if this is not possible, the Electoral Commission).

Candidates and party secretaries that fail to comply with these requirements may be guilty of an illegal or corrupt practice and can face a term of imprisonment of up to 2 years, or a fine of up to \$100,000, upon conviction. You can find out more about these rules on the Electoral Commission's website: [elections.nz/guidance-and-rules/donations-and-loans/rules-for-party-donations-and-loans/](https://elections.nz/guidance-and-rules/donations-and-loans/rules-for-party-donations-and-loans/)

As well as the rules in the Electoral Act, both the Cabinet Manual and the Standing Orders of the House of Representatives set out rules for Ministers and Members of Parliament respectively, to help manage any potential conflicts of interest.

- The Cabinet Manual sets out the expectations related to conduct of Ministers, including for when they leave office. You can find more information about the expectations on Ministers at: [dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual](https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual).

- The Register of Pecuniary and Other Specified Interests of Members of Parliament is provided for in Standing Orders; this register records members' interests, thereby providing transparency and strengthening public trust and confidence in parliamentary processes and decision making. You can find out more at: [www.parliament.nz/en/mps-and-electrates/members-financial-interests/](http://www.parliament.nz/en/mps-and-electrates/members-financial-interests/)

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

I trust the above is helpful to you. Thank you for writing.

Nāku noa, nā



Kathy Brightwell  
**General Manager, Civil and Constitutional**