

21 April 2023

Section (9)(2)(a)

Our ref: OIA 103608

Tēnā koe Section (9)(2)(a)

### **Official Information Act request: Illegitimacy in law**

Thank you for your email of 27 March 2023 in which you requested:

*“When was the status of illegitimate removed in Aotearoa? When was the use of the word “illegitimate” removed from all legislation?”*

Your request has been referred to me for response, as it falls within my responsibilities as Policy Manager, Family Law, and is being managed in accordance with the provisions of the Official Information Act 1982 (the Act).

I have interpreted your request as to the date the status of illegitimate was repealed from New Zealand legislation.

The purpose of the Official Information Act is to provide access to official information held by the Government, in order to enable participation in law-making and promote the accountability of Ministers and officials. There is no requirement under the Act for agencies to create new information, compile information they do not hold, provide legal advice, respond to hypothetical questions, or provide or prove an opinion.

Your request does not appear to be a request for official information, and I am therefore refusing it under section 18(g) of the Act, on the grounds that the information sought is not held by the Ministry and I have no grounds for believing it is held by another agency subject to the Act.

If you want to find out more information about the use of ‘illegitimate’ in New Zealand laws, the Status of Children Act 1969 provides a starting point. The Act is available at: [legislation.govt.nz/act/public/1969/0018/latest/DLM390654.html](https://legislation.govt.nz/act/public/1969/0018/latest/DLM390654.html). You may also want to consult the Family Law section of the New Zealand Law Society, or Mark Henaghan et.al. (2021) *Family Law in New Zealand*, LexisNexis, Wellington, which is available in the Victoria University of Wellington library.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/).

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'NS' followed by a wavy line.

Naomi Stephen-Smith  
**Policy Manager, Family Law**