

Our Ref DOIA 21-188
Your Ref Enforcement of Overseas Investment Act

18 March 2021

Adam Irish
fyi-request-14889-887bf050@requests.fyi.org.nz

Wellington Office

Radio New Zealand House
155 The Terrace
PO Box 5501
Wellington 6145
New Zealand
T 0800 665 463
F +64 4 472 2244
E customersupport@linz.govt.nz
W www.linz.govt.nz

Dear Adam

Response to your official information request

Thank you for your official information request received on 9 March 2021.

You asked for information on the level of enforcement to ensure residential property transfers are adhering to requirements under the Overseas Investment Act 2005.

I have separated your request into the following discrete questions, and replied to each in turn:

1. What level of enforcement is applied to ensure all residential property transfers adheres to this requirement.

We have both Enforcement, and Monitoring and Intelligence teams to monitor, investigate and prosecute potential breaches of the Overseas Investment Act, including Overseas Persons who have acquired residential property without consent.

The enforcement [pages](#) on our website outline our strategic priorities and how we go about enforcing the Act. The enforcement action taken [page](#) provides examples of enforcement action against overseas persons who failed to obtain consent to purchase residential property.

2. Is there an enforcement team that checks property transfer documentation and what is the size of this team.

One of the functions of our Monitoring and Intelligence team is to analyse various datasets to try and identify potential breaches of the Act. The team currently consists of 10 staff.

We also share information with other agencies to identify non-compliance.

3. Does LINZ liaise with Internal Affairs and Immigration New Zealand to check on the citizenship and immigration status of individuals.

For the purposes of identifying potential breaches in relation to residential property, we predominantly liaise with Immigration New Zealand.

4. Is there a system in place to cross reference IRD numbers, passport or visa numbers to check compliance.

As noted in response to question 2, the Monitoring and Intelligence team analyses various datasets to try and identify potential breaches of the Act.

5. What are the total number of investigations for each year over the past three years relating to purchase of a property by a person in breach or suspected breaching the requirements to be an eligible purchaser under the Overseas Investment Act.

The number of cases investigated by the enforcement team over the last three years involving residential property are:

2020/21 – 20

2019/20 – 20

2018/19 – 9

In terms of applications for one home to live in, we have dealt with approximately 800 enquiries about eligibility, and declined 31 applications as of February this year.

Specific information about determining whether consent is required can be found [here](#).

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this response with us, please feel free to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Simon Pope', written in a cursive style.

Simon Pope
Manager Enforcement