



20 APR 2021

Jennifer

[fyi-request-14978-08897b46@requests.fyi.org.nz](mailto:fyi-request-14978-08897b46@requests.fyi.org.nz)

Ref: OIA 86989

Dear Jennifer

**Official Information Act 1982 request**

Thank you for your Official Information Act 1982 (OIA) request dated 22 March 2021 for the following information:

*Could you please provide me with details of the number of applications made under sections 292, 293, 296A-296D, 297, 298 and 299 of the Companies Act 1993 for the last 5 years (with numbers of such applications annually for that period).*

On 30 March 2021, the Ministry of Justice (the Ministry) clarified your request, and you confirmed that in respect of your request for applications made under ss 292 and 293, you would like numbers for the following application types:

- Notice to set aside Voidable Transaction
- Order that Transaction not be set aside
- Order that Transaction be set aside

Please find attached Table 1 which provides you with the number of applications for Notice to set aside Voidable Transaction, Order that Transaction not be set aside, and Order that Transaction be set aside.

You have requested the number of applications under ss 296A-296D and 299 of the Companies Act (the Act). The Court's Case Management System does not record applications under these sections, therefore the Ministry is not able to report on these application types. Accordingly, I must refuse these parts of your request under s18(g) of the OIA, as the information is not held by the Ministry, and is not believed to be held by any other agency.

You have requested the number of applications under ss 297 and 298 of the Act. According to legislation, there does not appear to be provision for an application to be made to the High Court under these sections. Accordingly, I must refuse this part of your request under s18(g) of the OIA, as the information is not held by the Ministry, and is not believed to be held by any other agency.

If you require any clarification of the information contained in this response please contact Alison Horwood, Media Manager, Media and External Relations, by calling (04) 918 8836; or emailing [media@justice.govt.nz](mailto:media@justice.govt.nz)

If you are not satisfied with this response, you have the right to complain to the Ombudsman in accordance with s28(3) of the OIA. You can contact the Ombudsman by writing to PO Box 10152, Wellington 6143, calling 0800 802 602 or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AKing', is positioned above the typed name.

Andrea King  
**Group Manager, Senior Courts**

Table 1: Number of specific Companies Act applications filed between 2016 to 2020

Application	2016	2017	2018	2019	2020
Notice to set aside Voidable Transaction	36	60	36	18	6
Order that Transaction be set aside	1	1	1	1	0
Order that Transaction not be set aside	0	0	0	0	0
<b>Grand Total</b>	<b>37</b>	<b>61</b>	<b>37</b>	<b>19</b>	<b>6</b>