

Our Ref: 201710082

26 April 2017

Oleksandr Kurichuk

**BY EMAIL**

Dear Oleksandr

**OFFICIAL INFORMATION ACT REQUEST**

I refer to your email of 30 March 2017 requesting under the Official Information Act 1982 the names of the ten investors who were made to dispose of their investment over the past ten years and the names of the four investors who voluntarily disposed of their investment.

A thorough search of our records has revealed two more investors who were made to dispose of their investments, for a total of 12.

We can name eight of the twelve investors who we required to dispose of sensitive land:

Case	Name	Reason for disposal
200420041	Jian Xin Jia	Ordered by the High Court to pay a civil penalty of \$15,000 and dispose of property. Property sold in 2006.
200320080	Fireseed LLC	Required by conditions of consent to dispose of property. Property sold in 2009.
200624003	Gary Hanly Deborah Marriott	Settled proceedings brought by us relating to a failure to obtain consent, by agreeing to dispose of the property concerned. Property <sup>1</sup> sold in 2014.
200720011	PH2 Developments Ltd	Required by conditions of consent to dispose of property. Property sold in 2013.
201120003	Mikhail Khimich	Required by conditions of consent to dispose of property. Property sold in 2015.
201210017	Kirsten Bilstoft	Required by conditions of consent to dispose of property. Property sold in 2016.
201210034	Nirvana Capital (NZ) Ltd	Required by conditions of consent to dispose of property. Property sold in 2016.
201410007	Silver Fern International Travel and Trade Ltd	Required by conditions of consent to dispose of property. Property sold in 2016-17

In the remaining four cases, good reason exists to withhold the identity of the person required to dispose of the land:

- In three cases, withholding the identity is necessary to protect the privacy of natural persons and prevent prejudice to persons' commercial positions;

- In the fourth case, withholding the identity is necessary to prevent prejudice to the maintenance of the law, as a related transaction is currently under investigation.

In one of the three cases where withholding the identity is necessary to protect the privacy of natural persons, the transaction was also subject to proceedings (not involving the OIO) in New Zealand and overseas for which suppression orders were made.

There are also five cases where investors disposed of their investments voluntarily, in circumstances where they would otherwise have been made to dispose of their investments.

We can name two of the five investors who disposed of sensitive land voluntarily:

Case	Name	Reason for disposal
200410005	MPM Trust	Property was sold voluntarily after the OIO brought proceedings to compel the disposal of the property. Consent had not been obtained. Property was sold in 2006.
2004420082	Nikken Seil Company Ltd	The company founder, Dr Hirotomo Ochi, passed away, and the development did not proceed. Property sold in 2008-11.

In the remaining three cases, good reason exists to withhold the identity of the person required to dispose of the land, as withholding the identity is necessary to protect the privacy of natural persons and prevent prejudice to persons' commercial positions.

Pursuant to section 19(b) of the Act, we advise that you have the right by way of complaint to the Ombudsman under section 28(3) of the Act to seek an investigation and review of the refusal to release all the information requested.

Yours sincerely

Pete Hill  
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