



Reference: OIA-2017/18-0148

Cindy Black  
Email: fyi-request-6774-1db97b70@requests.fyi.org.nz

Dear Cindy Black

**Official Information Act request for advice to the Prime Minister relating to the proposed ban on foreign purchasers of residential housing in New Zealand**

I refer to your Official Information Act request received on 1 November 2017 which asked:

*“I see in the news that the Prime Minister has announced a ban on foreign purchasers of residential housing in NZ.*

*Can you please provide copies of any and all advice received by the Prime Minister from public service officials, and any other advice received from any other sources related to this announcement and this proposed ban.*

*I envisage this advice should include what the ban actually is, what the legislative amendments would be to give effect to it, and whether it is in fact a ban, or in fact a requirement for a foreign purchaser to seek consent from the OIO. Advice on what affect legislation changes would actually have, and what impact any proposed legislative change would have on existing and proposed international agreements that NZ is or is intending to be a party to.”*

Your request is for all advice received by the Prime Minister from public service officials and other advice received from any other sources. The Department of the Prime Minister and Cabinet (DPMC) is only in a position to respond in relation to information held by DPMC that is relevant to your request. To the extent your request is for information provided to the Prime Minister that is not held by DPMC, this is more closely connected with the functions and responsibilities of the Prime Minister and accordingly, I am transferring your request to the Prime Minister under section 14 of the Official Information Act.

The only information held by DPMC identified as relevant to your request are some briefings provided to the Prime Minister by the Policy Advisory Group (PAG) within DPMC. These briefings are provided to the Prime Minister in confidence, in order to support her in her role as leader of the Government and chair of Cabinet. These briefings have been withheld under the sections of the Official Information Act:

- Section 9(2)(f)(ii) as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility.*”
- Section 9(2)(f)(iv) as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.*”
- Section 9(2)(g)(i) as withholding the information is necessary to “*maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.*”

Where the information has been withheld, no public interest in releasing the withheld information has been identified that would be sufficient to override the reasons for withholding it.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act. You can contact the Ombudsman online via the Ombudsman website, by email ([info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



Anne Shaw  
**Director, Office of the Chief Executive**