

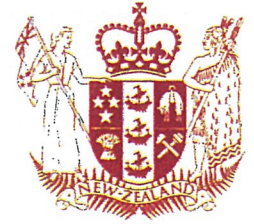
Office of the Prime Minister

Prime Minister

Minister for Arts, Culture & Heritage

Minister for National Security & Intelligence

Minister for Child Poverty Reduction



27 NOV 2017

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

Ref: PMO OIA 014-2017

Dear Cindy Black

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

I refer to your Official Information Act request received in this Office on 13 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."

The lead Minister for this area of work is the Associate Minister of Finance with responsibility for the Overseas Investment Office (OIO), Hon David Parker. Identified as relevant to your request is some information, including Cabinet documents, provided by the Associate Minister of Finance. This information is more closely related to the responsibilities and functions of that Minister. Accordingly, to the extent your request is for this information, it has been transferred to the Associate Minister of Finance (Hon David Parker) under section 14 of the Official Information Act.

There was some relevant advice received from the Ministry of Foreign Affairs and Trade (MFAT). This advice is more closely related to the responsibilities and functions of MFAT. To the extent your request is for any relevant information provided by MFAT, it has been transferred to MFAT under section 14 of the Official Information Act.

Also identified as relevant to your request are a number of briefings provided by the Department of the Prime Minister and Cabinet (DPMC) to the Prime Minister. As explained in the response you received from DPMC to your request, 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 are withheld in their entirety under the following sections of the Official Information Act:

- 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.*”

The only other information identified as relevant to your request was advice provided to the Prime Minister for responding to questions raised by the media. This advice is withheld under section 9(2)(g)(i) of the Official Information Act.

Where the information has been withheld, no public interest in releasing the information that has been withheld 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) 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.

Yours sincerely



Heather Simpson
Advisor