

NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aorere

22 February 2018

Cindy Black
fyi-request-6777-af4925b8@requests.fyi.org.nz

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand

T +64 4 439 8000
F +64 4 472 9596

Dear Cindy Black,

I refer to your email of 1 November 2017 in which you request the following under the Official Information Act 1982 (OIA):

"...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 provided by MFAT 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 whether and how the proposal would be enforced and what implications it might have should be included as well as what resourcing impact is expected to enforce it, and what level of compliance is expected. 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 would also be appreciated."

I refer to your same OIA request of 1 November 2017 to The Treasury and 13 November 2017 to the Office of the Prime Minister. Your requests were partially transferred to the Ministry of Foreign Affairs and Trade (the Ministry) on 20 November 2017 and 27 November respectively.

On 29 November 2017 we wrote to you to advise that the timeframe for our response would be extended to 23 February 2018. This was because consultations necessary to make a decision on the request were such that we could not make a proper response within the original timeframe (section 15A(1)(b) of the OIA refers).

The Ministry has developed an approach to respond to requests on this topic with a single package of information which answers the requests received under the OIA.

The Treasury is the lead agency advising Ministers on this policy. The Ministry worked with The Treasury on a proactive release of a large amount of material relating to this topic. Information relevant to your request is also publicly available at:
<http://www.treasury.govt.nz/publications/informationreleases/overseasinvestment/residential-land>.

e enquiries@mfat.govt.nz
w www.mfat.govt.nz

The material held by the Ministry largely consists of advice provided by the Ministry to Treasury on international obligations and other trade and foreign relation issues relevant to this policy. This was an input into the final advice provided to Ministers (which is covered by the above mentioned proactive release). There are also some instances where the Ministry provided advice directly to the Minister for Trade and Export Growth.

Attached are the documents relevant to your request. Some portions of the documents are withheld in part under the following sections of the OIA:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government;
- 6(c): to avoid prejudice to the maintenance of the law;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(h): to maintain legal professional privilege; and
- 9(2)(j): to avoid prejudice to negotiations.


Some documents are withheld in full under the following sections of the OIA:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government; and
- 9(2)(h): to maintain legal professional privilege.

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would be sufficient to override the reasons for withholding it.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Wendy Adams', with a long horizontal line extending to the right.

Wendy Adams
for Secretary of Foreign Affairs and Trade