

From: HAMILTON, Alison (TND)
Sent: Tuesday, 17 October 2017 2:39 p.m.
To: 'Matt Woolley [TSY]'
Cc: NOTTAGE, Hunter (LGL/TLU); TRAINOR, Mark (DS TEG Office); IRELAND, Sarah (LGL/TLU)
Subject: RE: Workshop on home ownership by overseas speculators

Hi again Matt,

In response to your question on what is required to comply with CER Investment Protocols:

- s9(2)(h), s6(a)
- s9(2)(h), s6(a)

Please note these answers rely on legal advice and are intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Cheers,
Alison

From: HAMILTON, Alison (TND)
Sent: Tuesday, 17 October 2017 10:19 a.m.
To: 'Matt Woolley [TSY]'
Cc: NOTTAGE, Hunter (LGL/TLU); TRAINOR, Mark (DS TEG Office); IRELAND, Sarah (LGL/TLU)
Subject: RE: Workshop on home ownership by overseas speculators

Hi Matt,

We'll get back to you on your CER question later today. In advance of that, and as discussed on the phone just now, we've had the below advice from our Australia bilateral division on the 'people-side' relationship with Australia.

There are more than 350,000 New Zealanders living in Australia as non-citizens, s6(a)

Key points

The Trans-Tasman Travel Arrangement uniquely grants New Zealanders access to live, work, and study in Australia indefinitely. There are over 600,000 New Zealanders living in Australia, of which more than 350,000 may not have Australian citizenship. The New Zealand government has been working to maintain the many elements of domestic treatment for New Zealanders in Australia. s6(a)

New Zealanders, regardless of visa status, are entitled to an exemption from capital gains tax on their main residence if they are "tax residents" of Australia.

In some states, e.g. New South Wales, non-citizens (including New Zealanders) are subject to an 8% surcharge on stamp duty and a 2% surcharge on land tax if they are not resident in Australia for 200 days in the previous 12 months. Other states, e.g. Queensland and Victoria, exempt New Zealanders from such surcharges on non-citizens.

Cheers,
Alison

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Attachments:

Draft Treasury Report Residential Housing - MFAT comment 19 October 2017.docx

This attachment is partly out of scope and partly withheld under s9(2)(h), s9(2)(j) and s6(a)

From: HAMILTON, Alison (TND)

Sent: Thursday, 19 October 2017 12:50 p.m.

To: 'Matt Woolley [TSY]'

Cc: IRELAND, Sarah (LGL/TLU); REAICH, Diana (TND); NOTTAGE, Hunter (LGL/TLU)

Subject: RE: Workshop on home ownership by overseas speculators

Hi Matt,

Apologies for the delay this afternoon and many thanks for the heads up that you were after faster feedback. There are two main themes to our changes in the paper:

- s6(a), s6(c)

- TPP11/TPP12. s9(2)(h)

As we discussed on the phone, the timeline for TPP11 is relatively compressed. The next meeting is end of October and Ministers are looking to meet in early November. This means signature could be as early as 1st quarter next year and EIF might follow shortly afterwards. s9(2)(h)

Of course this paper does not cover the full suite of options that could be used to address this policy objective, including the MFAT options that we had earlier annexed. We have tried, though, to keep our suggested amendments as minimal as possible.

s9(2)(h)

Cheers,
Alison

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The rest of the email trail is out of scope - 6 pages

From: IRELAND, Sarah (LGL/TLU)
Sent: Thursday, 19 October 2017 1:45 pm
To: Thomas Parry [TSY]
Cc: HAMILTON, Alison (TND)
Subject: RE: Workshop on home ownership by overseas speculators

Hi Thomas

With apologies, on a full read-through I would like to suggest a small number of minor, but important, tweaks to paragraph 24:

s9(2)(h), s6(a), s6(c)

Warm regards
Sarah

The rest of the email trail is out of scope and duplication - 7 pages

Attachments:

3797391_Summary advice on possible additional components to the overseas ownership ban - MFAT additions.docx

From: HAMILTON, Alison (TND)

Sent: Friday, 20 October 2017 5:12 p.m.

To: 'Thomas Parry [TSY]'

Cc: IRELAND, Sarah (LGL/TLU)

Subject: RE: Summary advice on possible additional components to the overseas ownership ban

Hi Thomas – sorry for the delay. Now attached.

Sorry this has been prepared in haste, so it's a bit rough and ready. Get in touch if any questions.

Again, please note these answers rely on legal advice and are intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Alison

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Summary advice on possible additional components to overseas ownership ban

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[impact on international obligations, including TPP]
International Obligations: s9(2)(h), s6(a)

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Impact on international obligations, including TPP

International Obligations: s9(2)(h), s6(a)

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Impact on international obligations, including TPP

International Obligations: s9(2)(h), s6(a)

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~~International Obligations: impact on international obligations, including TPP~~
s9(2)(h), s6(a)

What does this mean for previous advice on interaction with existing international obligations

s9(2)(h), s6(a)

From: HAMILTON, Alison (TND)
Sent: Tuesday, 24 October 2017 2:49 p.m.
To:WILSON,Paula (Inet)
Cc: IRELAND, Sarah (LGL/TLU)
Subject: RE: Initial advice - banning overseas buyers

Hi Paula,

As promised, some material below that you might want to draw from for the paper this afternoon. This is taken from the existing material – but tries to bring together in one place. It's necessarily simplified, so please let us know if there's anything more we can work through. Sarah is working on some more specifics for AU/SG if you need that.

s9(2)(h), s6(a)

s6(a)

Cheers,
Alison

From: HAMILTON, Alison (TND)
Sent: Tuesday, 24 October 2017 1:29 p.m.
To:WILSON,Paula (Inet)
Subject: RE: Initial advice - banning overseas buyers

Hi Paula,

Here's our draft MFAT comments on the MBIE demand side BIM. Note these have not been cleared by Clare or Vangelis (and is sitting with Pippa in Brook's office). We're hoping to send across this afternoon.

Alison

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From: IRELAND, Sarah (LGL/TLU)
Sent: Tuesday, 24 October 2017 5:03 p.m.
To: HAMILTON, Alison (TND); ...WILSON, Paula (Inet)
Cc:CONNELL, Lucy (Inet)
Subject: RE: Text as discussed

Hi Paula

Apologies I should have said this earlier but can you please make sure that this advice has a legal privilege caveat attached to it. Our usual one is as follows, but for your purposes I understand if you may want to shorten it to "legally privileged".

This document contains material based on legal advice and is intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Many thanks
Sarah

From: HAMILTON, Alison (TND)
Sent: Tuesday, 24 October 2017 5:00 p.m.
To:WILSON, Paula (Inet); IRELAND, Sarah (LGL/TLU)
Cc:CONNELL, Lucy (Inet)
Subject: RE: Text as discussed

And again – sorry for the delay. Have been finalising slide deck. It will be sent from Vangelis to Andrew/Brook.

Alison & Sarah

An alternative option to utilising the Overseas Investment Act would be to modify the Land Transfer Act to restrict who targeted houses can be sold to. The check on whether a person is able to purchase a house would then be undertaken by the conveyancer, and require all purchasers to prove they can legally purchase. s9(2)(h)

As you are aware, Canada has introduced discriminatory tax provisions at the State level to help curb overseas investment in housing. s9(2)(h)

Officials have assumed that you are not interested in considering this option further, given public commitments to a ban.

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From: HAMILTON, Alison (TND) [<mailto:Alison.Hamilton@mfat.govt.nz>]

Sent: Tuesday, 24 October 2017 3:52 p.m.

To: Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>; IRELAND, Sarah (LGL/TLU) <Sarah.Ireland@mfat.govt.nz>

Cc: Lucy Connell [DPMC] <Lucy.Connell@dpmc.govt.nz>

Subject: RE: Text as discussed

Hi Paula,

A really rushed effort to get some changes back to you. We have a meeting with VV now to get the slides across to you by 4.15. Incoming...

Minimising the potential implications for trading partner relationships

s6(a), s9(2)(h)

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Alison & Sarah

From:WILSON,Paula (Inet)
Sent: Tuesday, 24 October 2017 3:30 p.m.
To: HAMILTON, Alison (TND); IRELAND, Sarah (LGL/TLU)
Cc:CONNELL, Lucy (Inet)
Subject: FW: Text as discussed

From: Melleny Black [DPMC]
Sent: Tuesday, 24 October 2017 3:29 p.m.
To: Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>
Subject: Text as discussed

From: IRELAND, Sarah (LGL/TLU)
Sent: Tuesday, 24 October 2017 5:27 p.m.
To:WILSON, Paula (Inet)
Subject: RE: Urgent - advice on existing

Thanks Paula, that's a good solution - apologies for the confusion.

From:WILSON, Paula (Inet)
Sent: Tuesday, 24 October 2017 5:26 p.m.
To: IRELAND, Sarah (LGL/TLU)
Subject: RE: Urgent - advice on existing

Ok. s9(2)(h), s6(a)

From: IRELAND, Sarah (LGL/TLU) [<mailto:Sarah.Ireland@mfat.govt.nz>]
Sent: Tuesday, 24 October 2017 5:19 p.m.
To: Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>
Subject: RE: Urgent - advice on existing

Thanks Paula, s9(2)(h), s6(a)

From:WILSON, Paula (Inet)
Sent: Tuesday, 24 October 2017 5:13 p.m.
To: IRELAND, Sarah (LGL/TLU)
Subject: RE: Urgent - advice on existing

s9(2)(h), s6(a)

From: IRELAND, Sarah (LGL/TLU) [mailto:Sarah.Ireland@mfat.govt.nz]
Sent: Tuesday, 24 October 2017 5:11 p.m.
To: Paula Wilson [DPMC] <Paula.Wilson@dPMC.govt.nz>
Subject: Urgent - advice on existing

Hi Paula

s6(a), s9(2)(h)

Apologies
Sarah

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Attachments: 2nd Tier BIM (final draft) demand for housing - MFAT Comment 24 October.docx

This attachment is partly out of scope and partly withheld under s6(a) and s9(2)(h)

From: HAMILTON, Alison (TND)
Sent: Wednesday, 25 October 2017 9:05 a.m.
To: 'Matthew Galt'
Cc: IRELAND, Sarah (LGL/TLU)
Subject: RE: MBIE BIM on overseas buyers

Hi Matt,

Apologies for the delay on my side. Some comments/changes in the attached.

What is the intended status of this document?

Please note that much of the MFAT comment relies on legal advice and is intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Happy to discuss

Alison

OUT OF SCOPE

From: HAMILTON, Alison (TND) [<mailto:Alison.Hamilton@mfat.govt.nz>]
Sent: Tuesday, 24 October 2017 9:20 a.m.
To: Matthew Galt
Subject: RE: MBIE BIM on overseas buyers

Thanks Matt. I'll come back on this version. We also have an internal process for clearing changes/comments on wider interagency BIMs – so I'll get that started now.
Alison

From: Matthew Galt [<mailto:Matthew.Galt@mbie.govt.nz>]
Sent: Tuesday, 24 October 2017 9:10 a.m.
To: HAMILTON, Alison (TND)
Subject: RE: MBIE BIM on overseas buyers

OUT OF SCOPE

From: HAMILTON, Alison (TND) [mailto:Alison.Hamilton@mfat.govt.nz]
Sent: Tuesday, 24 October 2017 8:11 a.m.
To: Matthew Galt
Subject: RE: MBIE BIM on overseas buyers

Hi Matt,

Sorry I realised that we have not responded to you on this.

Is it still the most recent version? Are comments today going to be helpful – there are just a few in the international section?

Cheers,
Alison

From: Matthew Galt [mailto:Matthew.Galt@mbie.govt.nz]
Sent: Tuesday, 17 October 2017 5:49 p.m.
To: HAMILTON, Alison (TND); Sluxford@finz.govt.nz
Subject: MBIE BIM on overseas buyers

OUT OF SCOPE

Attachments:

26 October 2017 Draft Cab Paper Overseas Investment Act residential housing - MFAT comment.docx

This attachment is partly out of scope and partly withheld under s9(2)(h), s9(2)(j) and s6(a)

From: HAMILTON, Alison (TND)

Sent: Thursday, 26 October 2017 1:58 p.m.

To: 'Thomas Parry [TSY]'; 'Robbie.Taylor@treasury.govt.nz'

Cc: IRELAND, Sarah (LGL/TLU); KELLY, Clare (TND); NOTTAGE, Hunter (LGL/TLU); ALLEN, Pippa (CEO Office)

Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

Hi Thomas and Robbie,

See attached comments from MFAT on the draft paper. There was a bit of confusion as to why two options remain in the paper, so we're still working to make sure that our TPP paper properly aligns with this paper.

Do you have draft recs underway yet? It will be important from our perspective to (in very shorthand):

- s6(a), s9(2)(h)
- s6(a), s9(2)(h)
- s6(a), s9(2)(h)

Happy to discuss any of the comments and let me know if you want me to start drafting the recs above.

As always, much of the MFAT comment relies on legal advice and is intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Would it make sense for MFAT legal to look at the final Cab version, to specifically identify the elements above?

Cheers,
Alison

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Banning Overseas Speculators in the New Zealand Housing Market

Pages 1-5 are partly withheld under s9(2)(h), s6(a) and out of scope

OUT OF SCOPE

Comparison of options

	Option one: overseas investment screening regime	Option two: conveyancing agents eligibility check
Functioning Housing market for New Zealanders	OUT OF SCOPE	
International obligations	s9(2)(h)	s9(2)(h)
Compliance and administrative costs	OUT OF SCOPE	

32 s9(2)(h), s9(2)(j), s6(a)

s9(2)(h)

OUT OF SCOPE

Approach to managing international relationships

s9(2)(h), s9(2)(j), s6(a)

Next steps

Issues requiring further work

OUT OF SCOPE

s9(2)(h), s9(2)(j), s6(a)

OUT OF SCOPE

The rest of the document is out of scope - 3 pages

From: HAMILTON, Alison (TND)
Sent: Thursday, 26 October 2017 2:56 p.m.
To: 'Thomas Parry [TSY]'
Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

Hi Thomas, s9(2)(h), s6(a)

Under our current immigration policy settings, we treat AU PRs the same as we treat AU citizens. See following link: <https://www.newzealandnow.govt.nz/why-choose-nz/compare-new-zealand/australia>

Understood re two options, I think we are OK for consistency, but wanted to flag that we are making changes to our TPP paper to reflect that there are two options in yours. Let me know if it comes out of your paper, and we'll change ours to reflect that.

Alison

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From: HAMILTON, Alison (TND) [<mailto:Alison.Hamilton@mfat.govt.nz>]
Sent: Thursday, 26 October 2017 1:58 p.m.
To: Thomas Parry [TSY] <Thomas.Parry@treasury.govt.nz>; Robbie Taylor [TSY] <Robbie.Taylor@treasury.govt.nz>
Cc: IRELAND, Sarah (LGL/TLU) <Sarah.Ireland@mfat.govt.nz>; KELLY, Clare (TND) <Clare.Kelly@mfat.govt.nz>; NOTTAGE, Hunter (LGL/TLU) <Hunter.Nottage@mfat.govt.nz>; ALLEN, Pippa (CEO Office) <Pippa.Allen@mfat.govt.nz>
Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

The rest of the email trail is duplicate - 2 pages

From: HAMILTON, Alison (TND)
Sent: Thursday, 26 October 2017 4:18 p.m.
To: 'Thomas Parry [TSY]'
Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

And one additional sentence (into para 27).

s9(2)(h), s6(a)

From: HAMILTON, Alison (TND)
Sent: Thursday, 26 October 2017 3:53 p.m.
To: 'Thomas Parry [TSY]'
Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

Duplicate

The rest of the email trail is duplicate - 3 pages

From: HAMILTON, Alison (TND)
Sent: Friday, 27 October 2017 9:44 a.m.
To: Thomas.Parry@treasury.govt.nz
Subject: RE: Cabinet paper Banning Overseas Speculators in the New Zealand Housing Market

Hi Thomas,

A very small change from the lawyers this morning. If at all possible, would be great if you could make this.

s9(2)(h)

Thanks,
Alison

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From: HAMILTON, Alison (TND)
Sent: Friday, 27 October 2017 1:01 p.m.
To: 'Rose Jago [TSY]'
Cc: 'Thomas Parry [TSY]'; 'Robbie Taylor [TSY]'; IRELAND, Sarah (LGL/TLU)
Subject: RE: Text - checking one point

Hi all, here's a picture of where our paper is sitting on other issues.

Other changes to overseas investment regime

s9(2)(h), s6(a)

Let us know if you need to draw on this material – it's probably better subject of a wider paper on Overseas Investment rather than our current papers.

Please note this relies on legal advice and is intended to be confidential. Any unintended disclosure of or reference to this advice must be referred in the first instance to MFAT Legal Division, as it may require consultation with the Crown Law Office in accordance with the Cabinet Manual guidance on legal advice and legal professional privilege.

Alison

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The rest of the email trail is out of scope - 1 page

From: WEBB, Mike (LGL/TLU)
Sent: Monday, 30 October 2017 1:19 p.m.
To: Robbie Taylor [TSY]
Cc: NOTTAGE, Hunter (LGL/TLU); Thomas Parry [TSY]; KELLY, Clare (TND); REAICH, Diana (TND); VITALIS, Vangelis (DS TEG)
Subject: RE: 30-10-17 draft cabinet Paper_ 100 Day Commitment_ Banning Overseas Speculators (with david Parker tracked changes)

Thanks, Robbie

I'll call to discuss, s9(2)(h), s6(a)

If the paper has not been lodged, can we suggest changing the start of para 12 to s9(2)(h), s6(a)

Cheers

Mike Webb

Senior Adviser | Trade Law Unit
Legal Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

mike.webb@mfa.govt.nz

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From: WEBB, Mike (LGL/TLU) [mailto:Michael.Webb@mfat.govt.nz]
Sent: Monday, 30 October 2017 12:51 PM
To: Robbie Taylor [TSY] <Robbie.Taylor@treasury.govt.nz>
Cc: NOTTAGE, Hunter (LGL/TLU) <Hunter.Nottage@mfat.govt.nz>; Thomas Parry [TSY] <Thomas.Parry@treasury.govt.nz>; KELLY, Clare (TND) <Clare.Kelly@mfat.govt.nz>; REAICH, Diana (TND) <Diana.Reaich@mfat.govt.nz>
Subject: RE: 30-10-17 draft cabinet Paper_ 100 Day Commitment_ Banning Overseas Speculators (with david Parker tracked changes)

Hi Robbie

As discussed, we'd suggest two edits.

- 1) In para 12 the references to s9(2)(h), s6(a)

s9(2)(h), s6(a)

- 2) In para 27, we suggest editing the reference to the s6(a), s9(2)(j)

Cheers

Mike Webb

Senior Adviser | Trade Law Unit
Legal Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a) : mike.webb@mfat.govt.nz

www.mfat.govt.nz | www.safetravel.govt.nz

The remainder of the email trail is out of scope - 2 pages

From: KELLY, Clare (TND)
Sent: Tuesday, 31 October 2017 9:56 a.m.
To:BENNET, Dawn (Inet)
Cc:MUNRO, Cameron (Inet); NOTTAGE, Hunter (LGL/TLU); WEBB, Mike (LGL/TLU)
Subject: KNZFTA
Attachments: National Treatment Obligation and Exceptions NZ-Korea.docx

Importance: High

Here you go s6(a), s9(2)(g)(i)

Clare Kelly

Divisional Manager
Trade Negotiations Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

clare.kelly@mfa.govt.nz

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NEW ZEALAND
EUREKA

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Foreign investment in residential housing and the NZ-Korea FTA

Summary

- s9(2)(h), s6(a), s6(c)

Explanation

s9(2)(h), s6(a), s6(c)

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Relevant Provisions

Article 10.5 : National Treatment

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

Article 10.15 : Non-Conforming Measures

1. Articles 10.5, 10.6, 10.11 and 10.12 shall not apply to:

(a) any existing non-conforming measure that is maintained by a Party at:

(i) the central level of government, as set out by that Party in its Schedule to Annex I; or

(ii) a local level of government;

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 10.5, 10.6, 10.11 and 10.12.

2. Articles 10.5, 10.6, 10.11 and 10.12 do not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors, or activities, as set out in its Schedule to Annex II

ANNEX II - NEW ZEALAND - Relevant Non-Conforming Measure

Sector: All Sectors

Obligations Concerned: National Treatment (Article 10.5) Performance Requirements (Article 10.11) Senior Management and Boards of Directors (Article 10.12)

Description: Investment

New Zealand reserves the right to adopt or maintain any measure that requires the following investment activities to receive prior approval by the New Zealand Government under its overseas investment regime:

(a) acquisition or control of 25 percent or more of any class of shares² or voting power³ in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$50 million;

(b) commencement of business operations or acquisition of an existing business, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$50 million;

(c) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's Overseas Investment legislation; and

(d) acquisition, regardless of the dollar value, of 25 percent or more of any class of shares or voting power in a New Zealand entity that owns commercial fishing quota or annual catch entitlement, or the acquisition of commercial fishing quota or annual catch entitlement.

New Zealand reserves the right to adopt or maintain any measure that sets out the approval criteria to be applied to the categories of transactions that require approval under New Zealand's overseas investment regime.

Existing measures:

Overseas Investment Act 2005

Fisheries Act 1996

Overseas Investment Regulations 2005

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From: WEBB, Mike (LGL/TLU)
Sent: Wednesday, 1 November 2017 4:58 p.m.
To: Ashley Heath [TSY]
Cc: Robbie Taylor [TSY]; REATCH, Diana (TND); HAMILTON, Alison (TND); IRELAND, Sarah (LGL/TLU)
Subject: RE: Foreign home buyers - defining Australian citizens and residents

Hi Ashley

Please see below for responses to questions that were asked of MFAT at yesterday's meeting. It'd be great if you could please circulate them as relevant and please let me know if you would like further information or clarity on anything.

Cheers

Mike

Questions and MFAT response

1. If an overseas buyer was building a number of houses would we have to create an exemption allowing them to retain one for themselves?

Response: s9(2)(h)

2. s6(a)

s6(a), s9(2)(h)

Our strong preference is to be consistent with the schedule 5 (and new TPP regulations approach) to definitions etc wherever possible.

Alison (currently in Tokyo) is reflecting further on the TPP vs CER approach.

s6(a) . we are aware of the need for advice on how best to approach this (rec 10 of the Cabinet paper) and will work closely with Tsy on the various options.

From: Ashley Heath [TSY] [mailto:Ashley.Heath@treasury.govt.nz]
Sent: Wednesday, 1 November 2017 11:04 a.m.
To: WEBB, Mike (LGL/TLU)
Subject: Foreign home buyers - defining Australian citizens and residents

Kia ora Mike,

OUT OF SCOPE

From: HAMILTON, Alison (TND)
Sent: Wednesday, 22 November 2017 9:44 a.m.
To: henry.clayton@treasury.govt.nz
Cc: WEBB, Mike (LGL/TLU); REAICH, Diana (TND)
Subject: Pointers on drafting explanatory material for Housing Bill

Hi Henry,

As we discussed yesterday, a few points of general guidance on how the GRS/RIS/other docs could be cast s6(a), s9(2)(h)

Mike may have some more ideas to feed in, but he's not in the office this morning so I wanted to get this across in good time.

Happy to chat any of this through,

Ali

Alison Hamilton

Investment Negotiator
Trade Negotiations Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

alison.hamilton@mfa.govt.nz

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NEW ZEALAND
FOREIGN AFFAIRS & TRADE



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OFFICIAL INFORMATION ACT

From: IRELAND, Sarah (LGL/TLU)

Sent: Thursday, 2 November 2017 3:59 p.m.

To: Robbie Taylor [TSY]

Cc: Matt Woolley [TSY]; REAICH, Diana (TND); HAMILTON, Alison (TND); WEBB, Mike (LGL/TLU); NOTTAGE, Hunter (LGL/TLU)

Subject: Follow up Questions on TPP

Hi Robbie

I understand from Mike that you have a couple of follow up questions on TPP, which I have tried to answer for you simply below.

s9(2)(h)

The rest of the email trail is out of scope - 1 page

From: REAICH, Diana (TND)
Sent: Monday, 6 November 2017 2:38 p.m.
To: WEBB, Mike (LGL/TLU); HAMILTON, Alison (TND); IRELAND, Sarah (LGL/TLU); SINCLAIR, Brody (TND); WOODMORE, Keawe (TND)
Cc: JACOBI, Hannah (TND)
Subject: FW: TPP Media Monitoring

FYI – as sent.

From: REAICH, Diana (TND)
Sent: Monday, 6 November 2017 2:37 p.m.
To:MUNRO, Cameron (Inet);WILSON, Paula (Inet); ...CONNELL, Lucy (Inet)
Cc: ECKMAN, Ben (CEO Office); MEDIA; BURNETT, Kevin (CEO Office); HURD, Rhys (CMD); LEVERMORE, Reuben (CMD); RILEY, John (TND)
Subject: RE: TPP Media Monitoring

Hi Cam,

We have pulled together a first media report on TPP issues as requested. We would welcome feedback on form and content however we are somewhat constrained by the fact that this is all subject to ongoing negotiations.

Please let me know if you wish to discuss further.

We'll aim to provide advice shortly on when you can expect the next report.

Many thanks
Diana

TPP 11 Bulletin #1 - 6 November 2017

Key issues raised in this morning's media are:

Foreign buyer s6(a)

Continued reporting focuses primarily on whether s6(a) will be effective s6(a)
Existing advice covers the key issues.

OUT OF SCOPE

The rest of the email trail is out of scope - 2 pages

From:MUNRO, Cameron (Inet)
Sent: Monday, 6 November 2017 5:52 p.m.
To: REAICH, Diana (TND);BENNET, Dawn (Inet)
Cc: BARRINGTON, Brook (CEO); ECKMAN, Ben (CEO Office); HALLUM, Victoria (LGL); WEBB, Mike (LGL/TLU); HAMILTON, Alison (TND); IRELAND, Sarah (LGL/TLU); KELLY, Clare (TND); VITALIS, Vangelis (DS TEG); SINCLAIR, Brody (TND); LEVERMORE, Reuben (CMD); HURD, Rhys (CMD); RILEY, John (TND); SINCLAIR, Brody (TND)
Subject: RE: TPP Media Reporting - 6 November - issue #1

Thanks Diana. This looks good. I have passed it on to Minister Parker and will let you know if he has any comments. I understand it was incorporated in the PM's brief for post-cab today.

Thanks
Cam

Cam Munro | Private Secretary (Trade & Export Growth)
Office of Hon David Parker, Minister for Trade & Export Growth
Phone: s9(2)(g) Mobile: s9(2)(a)

From: REAICH, Diana (TND) [mailto:Diana.Reaich@mfat.govt.nz]
Sent: Monday, 6 November 2017 5:06 PM
To: Cameron Munro <Cameron.Munro@parliament.govt.nz>
Cc: BARRINGTON, Brook (CEO) <Brook.Barrington@mfat.govt.nz>; ECKMAN, Ben (CEO Office) <Ben.Eckman@mfat.govt.nz>; HALLUM, Victoria (LGL) <Victoria.Hallum@mfat.govt.nz>; WEBB, Mike (LGL/TLU) <Michael.Webb@mfat.govt.nz>; HAMILTON, Alison (TND) <Alison.Hamilton@mfat.govt.nz>; IRELAND, Sarah (LGL/TLU) <Sarah.Ireland@mfat.govt.nz>; KELLY, Clare (TND) <Clare.Kelly@mfat.govt.nz>; VITALIS, Vangelis (DS TEG) <Vangelis.Vitalis@mfat.govt.nz>; SINCLAIR, Brody (TND) <Brody.Sinclair@mfat.govt.nz>; LEVERMORE, Reuben (CMD) <Reuben.Levermore@mfat.govt.nz>; HURD, Rhys (CMD) <Rhys.Hurd@mfat.govt.nz>; RILEY, John (TND) <John.Riley@mfat.govt.nz>; SINCLAIR, Brody (TND) <Brody.Sinclair@mfat.govt.nz>
Subject: TPP Media Reporting - 6 November - issue #1

Hi Cam,
Attached is our revised TPP reporting #1 as requested.
We've used the new template and taken on board your suggested revisions. Please let us know if you have further feedback.
We'll look to get the next one after the 6pm news round.
Full version below for those on blackberries.
Thank you
Diana

TPP Media Reporting – 6 November – Report #1

Foreign Buyer s6(a)

Summary of coverage

Continued reporting focuses primarily on whether s6(a) will be effective s6(a)

Possible talking points

- Cabinet has committed to ensuring that foreign speculators will no longer be able to buy houses in New Zealand from early next year.
- Legislation is being introduced to redefine “sensitive” land to include residential land.
- s6(a), s9(2)(j)
- s6(a)

Background/advice

Detailed advice on all elements of the foreign speculators ban is being provided by Treasury

Articles

<u>Foreign buyer ban will work, Phil Twyford insists</u>	NewsHub
<u>New Zealand, foreign investors and house price rises</u>	Property Forum
<u>Government Takes First Baby Steps On Foreign Control</u>	Scoop - CAFCA
<u>Q+A: HSBC Chief Economist for Australia and NZ</u>	Scoop - TVNZ
<u>New Zealand housing crisis a 'domestic story' not a foreign buyer made problem - economist</u>	TVNZ

OUT OF SCOPE

From: HAMILTON, Alison (TND)
Sent: Wednesday, 8 November 2017 1:55 p.m.
To: ...BENNET, Dawn (Inet); VITALIS, Vangelis (DS TEG)
Cc: SINCLAIR, Brody (TND); SENIOR, Angus (TND)
Subject: Key messages + annex
Attachments: Key Messages TPP11 Annex 6 Nov.docx; Key Messages TPP11 Summary 6 Nov.docx

MFAT Device Tag:UNCLASSIFIED

Hi Dawn and Vangelis,

See attached the two docs that have the Minister's changes from breakfast incorporated. I have tried to replicate as much as possible in the summary and annex. I'm not sure which one Minister had open

OUT OF SCOPE

Cheers,
Alison

From: TND TPP [mailto:tndtpp@gmail.com]
Sent: Wednesday, November 08, 2017 07:41 AM
To: HAMILTON, Alison (TND)
Subject: Fwd: Key messages + annex

The attachments are partly out of scope and partly withheld under s6(a) and s9(2)(h) - 9 pages

s9(2)(g)(i)

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The following page is withheld under s(9)(g)(i)

From: IRELAND, Sarah (LGL/TLU)
Sent: Friday, 8 December 2017 1:00 p.m.
To: ...WILSON,Paula (Inet)
Cc: NOTTAGE, Hunter (LGL/TLU); REAICH, Diana (TND); WEBB, Mike (LGL/TLU); Robbie Taylor [TSY] (Robbie.Taylor@treasury.govt.nz); HAMILTON, Alison (TND)
Subject: FW: Draft press release on the OIA reform bill
Attachments: The attachment is out of scope

Hi Paula

Regarding the Prime Minister's press release for the draft OIA reform Bill, Treasury advised me to contact you directly.

If there is any scope to change the language in the press release, and I fully appreciate that there may not be, can we suggest the following change s6(a), s9(2)(h)

s6(a), s9(2)(h)

This is to make it consistent with the way we have described this in the explanatory note to the Bill.

I would be happy to discuss if necessary.

Many thanks
Sarah

Ph s9(2)(a)