



# Office of Hon Dr Michael Cullen

**Deputy Prime Minister**

Attorney-General

Minister of Finance

Minister for Tertiary Education

Leader of the House of Representatives

12 DEC 2007

Mr Brendan Boyle  
Chief Executive  
Land Information New Zealand  
Private Box 5501  
WELLINGTON

Dear Mr Boyle

## DESIGNATION and DELEGATION LETTER

1. In accordance with section 30 of the Overseas Investment Act 2005 (the Act) the Minister of Finance designates Land Information New Zealand as the regulating department and the Chief Executive of Land Information New Zealand as the regulator (the regulator).

## DELEGATIONS

2. In accordance with section 32 of the Act, the Minister of Finance and Minister for Land Information delegate to the regulator the following powers.
3. The Minister of Finance delegates to the regulator the power to make all decisions under the Act on whether or not to grant consent to an overseas investment in significant business assets (business decision).
4. The Minister of Finance and Minister for Land Information delegate to the regulator:
  - (a) the power to make all decisions under the Act on whether or not to grant consent to an overseas investment in sensitive land (land decision) where
    - (i) the land
      - is or includes non-urban land exceeding 5 hectares; and
      - is not, or does not include any other land of a type listed in Table 1 of Schedule 1; and
      - does not adjoin land of a type listed in Table 2 of Schedule 1 of the Act; and
      - is not, or does not include, special land; or
    - (ii) the land
      - is urban land; and
      - is not, or does not include, special land; and
      - the land decision is also a business decision; or
    - (iii) the criterion in section 16(1)(e)(i) of the Act applies (the relevant overseas person is (or if that person is not an individual) all the individuals with control over the relevant overseas person are, New Zealand citizens, ordinarily resident in New Zealand, or intending to reside in New Zealand indefinitely); or
    - (iv) the interest to be acquired under the overseas investment is
      - a leasehold interest in land (other than a reviewable lease, as defined by the Crown Pastoral Land Act 1998); or
      - an interest in land as mortgagee or encumbrancee; or
    - (v) the acquisition is part of a purchasing programme for which consent has previously been granted by the relevant Ministers under the Act, where

- each acquisition is consistent with any conditions imposed for that programme.
- (b) the power under section 20(a) of the Act, to grant exemptions from the farm land offer criterion;
  - (c) the power under regulation 22(1) of the Overseas Investment Regulations 2005 (the Regulations), to negotiate in good faith with the owner to attempt to conclude an agreement in principle to the terms and conditions of the acquisition by the Crown of the special land.
  - (d) the power under regulation 22(3) of the Regulations to
    - (i) determine that the market value of the special land is negligible;
    - (ii) negotiate the agreement in principle to provide that, subject to consent being given to the relevant overseas investment transaction, the Crown is to acquire the special land for no consideration.
  - (e) the function under regulation 22(5) of the Regulations, to be given regulation 22(4) offers of special land.
5. The Minister of Finance, in relation to business decisions, and the Minister of Finance and the Minister for Land Information, in relation to land decisions, delegate to the regulator:
- (a) the power under section 23(1)(c) of the Act, to specify, by notice in the Gazette, the information that must be contained in the application for consent.
  - (b) the power under section 25 of the Act to refuse consent, or grant consent
    - (i) in respect of a proposed or specified transaction, instrument or person;
    - (ii) in respect of classes of transactions, instruments or persons, and to determine those classes of transactions, instruments or persons;
    - (iii) unconditionally, or subject to conditions, and to determine the appropriateness of those conditions;
    - (iv) subject to the payment of a bond;
    - (v) in whole or in part;
    - (vi) retrospectively.
  - (b) the power under section 26 of the Act to revoke a consent in the case of fraud.
  - (c) the power under section 27 of the Act to
    - (i) vary a consent with the agreement of the consent holder;
    - (ii) vary or add to conditions of consent with the agreement of the consent holder;
    - (iii) revoke a condition of consent.
  - (d) the power under section 28(2) of the Act, to enter into a contract or deed with an applicant for the purpose of enforcing a condition.
  - (e) the power under regulation 37 of the Regulations to
    - (i) grant an exemption on any terms and conditions that the regulator thinks fit;
    - (ii) amend or revoke any exemption.
  - (f) the power under regulation 39 of the Regulations to
    - (i) give notice of any powers under the Act or the Regulations; and
    - (ii) amend or revoke a regulation 39 notice.
  - (g) any actions under regulation 40 of the Regulations, relating to service of notices or other documents; and
  - (h) in each case where a power or function has been delegated, the power of delegation under section 32 of the Act.

#### TRANSITIONAL PROVISIONS

6. For the avoidance of doubt and subject to section 71 of the Act, the delegations in paragraphs 6 to 8 inclusive of the directive letter dated 6 July 2000 to the Chairman of the Overseas Investment Commission continue to apply to any determinations or other matters to which the relevant transitional provisions (sections 76 to 78 inclusive) of the Act apply.

REVOCATION

7. The Minister of Finance and the Minister for Land Information hereby revoke the Designation and Delegation Letter dated 24 August 2005 with effect from the date that this letter is to take effect.

DATE LETTER TAKES EFFECT

8. This Ministerial designation and delegation letter will take effect on and from 14 December 2007.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Cullen', with a stylized flourish at the end.

Hon Dr. Michael Cullen  
Minister of Finance

A handwritten signature in blue ink, appearing to read 'David Parker', with a large initial 'D' and a flourish.

for Hon David Parker  
Minister for Land Information