



MP for Epsom

Deputy Prime Minister (from 31 May 2025)

Minister for Regulation

Associate Minister of Education (Partnership Schools)

Associate Minister of Finance

Associate Minister of Health (Pharmac)

8 April 2024

Dr Richard Hawke
A/Chief Executive
Land Information New Zealand
Private Box 5501
Wellington 6145

Dear Dr Hawke,

Ministerial Delegation Letter

Designation and Delegation Letter

- 1 This designation and delegation letter is made under sections 30 and 32 of the Overseas Investment Act 2005 and Schedule 6 of the Public Service Act 2020.
- 2 Terms used in this letter have the same meaning as in the Overseas Investment Act 2005 (the Act) and the Overseas Investment Regulations 2005 (the Regulations) unless otherwise stated.

Designation

- 3 The Minister of Finance designates Toitū Te Whenua Land Information New Zealand (LINZ) as the regulating department and the Chief Executive of LINZ as the regulator (the Regulator) in accordance with section 30 of the Act.

Delegations

Ministers may delegate certain functions and powers to the Regulator

- 4 The Minister of Finance, the Minister for Oceans and Fisheries, and the Minister for Land Information (together, Ministers or we) delegate our powers and functions under the Act and Regulations as specified in the tables attached to this letter, and the power to delegate those delegated powers and functions.
- 5 This Delegation Letter may be executed in one or more counterparts and, if executed in more than one counterpart, the executed counterparts shall together constitute as the same delegation instrument.

Ministers may make a delegated decision

- 6 The delegations do not prevent us from exercising delegated powers and functions. Ministers may, at our discretion, choose to make a delegated decision.
- 7 However, we do not intend to exercise our ability to make decisions routinely. We only expect to consider making a decision on certain high-risk delegated decisions, for example, where a transaction raises matters of significant public interest despite not being a transaction of national interest under section 20B of the Act.

Revocation

- 8 Subject to paragraph 9 and 10 below, the Minister of Finance, Minister for Land Information, and the Minister for Oceans and Fisheries revoke all previous delegations under the Act and Regulations (the Revoked Delegations), with effect from 8 April 2024.

Date letter takes effect

- 9 This letter will take effect on 8 April 2024 and applies in relation to any transaction, application or other matter, where provisions in the Act or the Regulations as they read on or after that date apply.
- 10 In other cases, where an earlier version of the provisions in the Act or Regulations under the transitional arrangements in Schedule 1AA of the Act or Schedule 1AA of the Regulations provide that a power or function is delegated under the Revoked Delegations but not under this letter, the Revoked Delegations continue to apply to that transaction, application or other matter.

Yours sincerely



Hon David Seymour
Associate Minister of Finance

Hon Shane Jones
Minister for Oceans and Fisheries

Hon Chris Penk
Minister for Land Information

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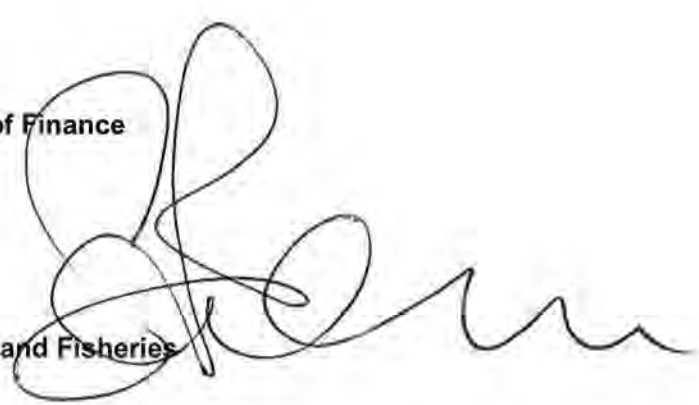
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Yours sincerely

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Associate Minister of Finance

Hon Shane Jones
Minister for Oceans and Fisheries

Hon Chris Penk
Minister for Land Information

A large, stylized handwritten signature in black ink, likely belonging to Hon Shane Jones, is written over the text of the letter. The signature is fluid and cursive, with several loops and a long horizontal tail.

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Associate Minister of Finance

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Table A: Powers and functions to make certain decisions			
<ul style="list-style-type: none"> The Ministers delegate to the Regulator the powers and functions to make the following decisions, including all ancillary powers and functions necessary for, or incidental to, making those decisions.¹ An application for consent may require a business decision, fishing quota decision, land decision or a combination thereof. If any of those three types of decisions on an application for consent must be made by the relevant Minister or Ministers then all consent decisions for that application must be made by the relevant Minister or Ministers.² 			
	Decision type	Relevant Minister(s)	Delegation
A	Business decisions	Minister of Finance	All business decisions delegated to the Regulator.
B	Fishing quota decisions	Minister of Finance and Minister for Oceans and Fisheries	All fishing quota decisions delegated to the Regulator.
C	Land decisions	Minister of Finance and Minister for Land Information	All land decisions (including on applications for standing consents) delegated to the Regulator.
D	A decision on whether or not to grant an individual exemption under section 61D of the Act ('individual exemption').	Minister of Finance	All 'individual exemption' decisions delegated to the Regulator.

¹ For example, the ancillary powers: under section 15 of the Act to determine who are relevant overseas persons, and individuals with control, for overseas investments; under section 16A(7) and (8) of the Act to not apply, or to modify, certain requirements; under section 16A(1)(1D) of the Act not to apply the modified benefit test for farm land; or under section 25(1) of the Act including the power to grant consent retrospectively.

² For example, if an application for consent required a business decision (which are all delegated) and a land decision that was not delegated then both consent decisions would be made by the relevant Ministers. For the avoidance of doubt, the Regulator may still make a delegated consent decision where the transaction is a transaction of national interest, and the Minister has considered the exercise of the power under section 20C.

E	A decision on whether or not to grant an 'exemption certificate'. ³	Minister of Finance and Minister for Land Information	All 'exemption certificate' decisions delegated to the Regulator.
F	A decision on whether or not to grant a waiver relating to a trigger event under clause 8 of Schedule 2 of the Act (a 'waiver')	Minister of Finance and Minister for Land Information	All 'waiver' decisions delegated to the Regulator.
G	A decision to: ⁴ 1. vary a consent or conditions of consent under section 27 of the Act; or 2. revoke a condition of consent that the Act required to be imposed, under clause 39(2) of Schedule 1AA of the Act; or 3. vary a 'transitional exemption certificate' under clause 6(8) of Schedule 1AA of the Act ⁵ ; or 4. vary or revoke a standing consent or the conditions of a standing consent under clauses 3 or 4 of Schedule 4 of the Act; or 5. revoke a consent under section 26 of the Act; or	Minister of Finance, Minister for Land Information and Minister for Oceans and Fisheries ⁶	All variation and revocation decisions delegated to the Regulator.

³ A reference to an 'exemption certificate' in this letter is a reference to an exemption certificate under clause 4 of Schedule 3 of the Act (dwellings in large apartment developments that are purchased off the plans).

⁴ For the avoidance of doubt, a decision to vary conditions of consent includes a decision to vary by way of adding to or revoking conditions.

⁵ A reference to a 'transitional exemption certificate' in this letter is a reference to an exemption certificate under clause 6 of Schedule 1AA of the Act (exemption relating to dwellings in large apartment developments where sales of dwellings have begun before assent date).

⁶ The relevant Minister(s) being: the relevant Minister(s) responsible for the relevant category of overseas investment for items 1 and 2; the Minister of Finance and Minister for Land Information for items 3, 4 and 7; the Minister of Finance for items 5 and 6.

	<p>6. amend or revoke an 'individual exemption'; or</p> <p>7. amend or revoke a 'waiver' under clause 8(4) of Schedule 2 of the Act</p> <p>Together: Variation and Revocation Decisions.</p>		
H	A decision under section 29A(1) of the Act as to whether or not a person meets the investor test ('standalone investor test').	Minister of Finance	All 'standalone investor test' decisions delegated to the Regulator.
I	A decision on whether or not to grant an exemption under section 20 of the Act ('farm land offer exemption').	Minister of Finance and Minister for Land Information	All 'farm land offer exemption' decisions delegated to the Regulator, except for decisions under section 20(1)(b) of the Act (class exemptions).
J	Decisions in relation to the acquisition of a fresh or seawater interest under Schedule 5 of the Act or regulations 12-25 ('fresh or seawater interest decisions').	Minister for Land Information and Minister of Finance	All 'fresh or seawater interest decisions' delegated to the Regulator.

Table B: Further powers and functions		
<ul style="list-style-type: none"> Ministers delegate the following powers and functions to the Regulator to the extent that they are not already delegated in Table A above.⁷ For the avoidance of doubt, the Regulator may exercise the delegations in this table in connection with a decision made by Ministers. The delegation of a power or function includes any ancillary powers and functions necessary for, or incidental to, the exercise of that power or function. 		
Provision	Description of power or function⁸	Relevant Minister(s)
A	Section 14(1)(b) of the Act and section 57E(1)(b) of the Fisheries Act 1996.	Minister of Finance, Minister for Land Information and Minister for Oceans and Fisheries ⁹
B	Section 20A	Minister of Finance
C	Section 20B(1)	Minister of Finance
D	Section 20D	Minister of Finance
E	Sections 20E(3)(b) and 20E(5)(b)	Minister of Finance
F	Section 25A(3)	Minister of Finance, Minister for Land Information and Minister for Oceans and Fisheries ¹⁰
G	Section 84(3)	Minister of Finance

⁷ For example, the power to consult under section 14(1)(b) of the Act is delegated as an ancillary power in Table A to the extent that it is exercised in connection with a delegated decision. The delegation of the same power in Table B ensures (for the avoidance of doubt) that the Regulator can exercise it in connection with decisions that are not delegated.

H	Section 87(1)	To authorise changes to the manner in which the notification under sections 85 and 86 must be given, in the case of minor and technical changes only (part delegation).	Minister of Finance
I	Section 88(1)	To give a direction order to a relevant acquirer, following a review of a call-in transaction, where the direction order is not subject to other conditions under section 88(3) only (part delegation).	Minister of Finance
J	Section 129	To publish notice of a decision, or defer or dispense with publication.	Minister of Finance
K	Regulation 64(1)(c)	To specify, by notice in the Gazette, the information that must be contained in an exemption application.	Minister of Finance
L	Regulation 64C(4) and (5)	To extend the period that an interim direction order is in force and to give notice of the extension to a relevant acquirer.	Minister of Finance
M	Regulation 68	To give notice of the exercise of powers.	Minister of Finance, Minister for Land Information and Minister for Oceans and Fisheries ¹¹
N	Regulation 69A(3) and (5)	To extend the timeframe for taking a risk management action and to give notice of the extension.	Minister of Finance

⁸ The primary purpose of the 'description of power or function' column in this table is to assist the reader, unless stated otherwise it does not limit the scope of the delegation.

⁹ The relevant Minister(s) are the Minister(s) responsible for the relevant category of overseas investment.

¹⁰ Ibid.

¹¹ Ibid.