

Ref: DOIA 20-160



12 February 2020

[s 9(2)(a)]
By email: [s 9(2)(a)]@nzme.co.nz

Dear [s 9(2)(a)]

Thank you for your official information request received on 9 January 2020 for further information about the investigations and enforcement actions described in our letter of 23 December 2019.

Your request was in the form of a series of questions relating to individual cases. Your questions and our answers to your questions are attached to this letter. In some cases, we have indicated when further information is likely to be available. We invite you to make a further request for the relevant information in case at the appropriate time.

The reasons why questions have not been answered in full or requested documents not provided in full are also attached to this letter. In cases where the privacy of natural persons is cited as the reason for withholding information, we are of the view that the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make that information available.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Pedro Morgan by email pmorgan@linz.govt.nz.

Yours sincerely

[s 9(2)(a)]

Jeremy Ford
Manager, Enforcement
Overseas Investment Office

Disposal pending

Michael Martin Crandall and Michele Ann Esposito

<p>https://www.linz.govt.nz/overseas-investment/decision-summaries-statistics/2013-05/201310006</p> <ul style="list-style-type: none">• Can you provide details on why this couple were forced to sell their property?• Is there a report available?• Is this case likely to result in criminal or civil action?• ALSO DOES THIS CASE RELATE TO THIS?	<p>The consent holders are required to sell the land because they did not comply with the conditions of their consent.</p> <p>A report will be available shortly, but for now, has been withheld in full. We should be able to release the report before the end of March.</p> <p>Whether the case results in other action will depend on whether the property is disposed of. The report addresses this.</p> <p>This does not relate to the Bay of Islands case described below.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Enforcement action underway: Bay of Islands property

<p>We are expecting to receive a retrospective application for consent to acquire a Bay of Islands property. Other action will be considered if the application is not received or is unsuccessful. We cannot provide any further information about this case without prejudicing our ability to take other action if necessary.</p> <ul style="list-style-type: none">• What information can you provide about this Bay of Islands case?• When will updates be available?	<p>We cannot provide any further information about this case without prejudicing our ability to take other action if necessary.</p> <p>Further information is likely to be available after June 2020.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Waitakere, name withheld.

<ul style="list-style-type: none">• What information can you provide?• Why is the property been sold?• Is this case likely to result in criminal or civil action?• When will updates be available?	<p>The consent holder is required to sell the land as they have not complied with the conditions of their consent</p> <p>This case is unlikely to result in other action provided the property is sold.</p> <p>We cannot provide any further information about this case without prejudicing our ability to take other action if necessary.</p> <p>Details of the case will be published once the property has been sold.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Overseas Investors (names withheld pending sale)

<p>Properties in the Twizel area are currently for sale. Overseas investors acquired 326.993 hectares of sensitive land without consent. A settlement agreement has been entered into. Further details will be released when they become available.</p> <ul style="list-style-type: none">• What information can you provide?• Is this case likely to result in criminal or civil action?• When will updates be available?	<p>There were three parcels of land purchased in breach of the Act; two have been sold and one remains to be sold.</p> <p>More information should be available next week.</p> <p>Court proceedings are unlikely.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Overseas Investors (names withheld pending sale)

<p>A property is currently for sale in the Helensville area. Overseas investors acquired approximately 13 hectares of land without consent. The investors have been issued with a notice under Section 41F of the Overseas Investment Act 2005. Further details will be revealed when they become available.</p> <ul style="list-style-type: none">• What information can you provide?• Is this case likely to result in criminal or civil action?• When will updates be available?	<p>No criminal or civil action will be taken provided the property is sold in accordance with the section 41F notice.</p> <p>We understand that the property has been conditionally sold. We expect an update to be available by the beginning of April.</p> <p><u>Reasons for withholding information</u></p> <p>s9(2)(a) – to protect the privacy of natural persons</p>
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DISPOSAL COMPLETE

Michael Rems and Julie O'Shea 33-37 & 39 Okoka Road, Waiheke Island (The Glasshouse)

<p>https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=12162525</p> <ul style="list-style-type: none">• Can you provide details on why this couple were forced to sell their property?• Is there a report available?• Is this case likely to result in criminal or civil action?	<p>The consent holders were required to sell the land as they had not complied with the conditions of their consent.</p> <p>A copy of the report is attached. Information has been withheld to protect the personal privacy of individuals, and withholding that information is not outweighed in the public interest.</p> <p>This matter will not result in civil or criminal action.</p> <p><u>Reasons for withholding information:</u></p> <p>s9(2)(a) – to protect the privacy of natural persons</p>
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ENFORCEMENT ACTION

Enforcement action underway: Auckland property

<p>We have begun a criminal prosecution in relation to the purchase of an Auckland property. We have also brought civil proceedings in relation to the same transaction. We cannot say anything more about this case while it is before the courts.</p> <ul style="list-style-type: none">• Why information can you provide about this case?• How many defendants are there, what charges have been laid and when is this matter next due to be called in court?• Which court is this matter currently before?• What is the nature of the civil proceedings and what point are they currently at?• Does this relate to the above Helensville matter?	<p>I understand you now have the information you require about this case.</p> <p>This does not relate to the Helensville matter.</p>
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Enforcement action underway: Five North Island properties

<p>We have taken civil proceedings against an investor seeking the payment of civil penalty in relation to the purchase of five North Island properties. The parties have entered into a settlement to resolve the proceeding on terms acceptable to both parties and a penalty hearing before the High Court will take place in due course. We cannot say anything more about this case while it is before the courts</p> <ul style="list-style-type: none">• What information can you provide about this case?• Have any charges been laid?• When is the penalty hearing set down for and where?	<p>No charges have been laid. The penalty proceeding is a civil hearing only. The matter is currently set down for March but we expect that date to be vacated and rescheduled for the second half of 2020.</p> <p>We cannot provide further information at present. Further information may be available by August 2020.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Enforcement action underway: Two Auckland properties

<p>We have completed our investigation of two Auckland properties. We are preparing to take enforcement action with Court action possible. We cannot say anything more about this case given the possibility of it coming before the courts</p> <ul style="list-style-type: none">• Please provide any further available information on this case.• When will updates be available?• Does this relate to the Warkworth case?	<p>We cannot provide further information at present. Further information is likely to be available by August 2020.</p> <p>This does not relate to the Warkworth case.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p>
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Eight cases under investigation

<p>There are eight further cases with a suspected 'associate' under active investigation. We cannot provide any further information about these eight cases without prejudicing the investigations.</p> <ul style="list-style-type: none">• Please provide any further available information on this case.• When will updates be available?	<p>We cannot provide further information about these eight cases at present. While updates will be available at different times in each case, I suggest that you are unlikely to receive any significant amount of information within six months.</p> <p><u>Reasons for withholding information:</u></p> <p>s6(c) – to avoid prejudice to the maintenance of the law</p> <p>s9(2)(a) – to protect the privacy of natural persons</p>
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