

Our Ref DOIA 23-055

18 October 2022

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Dear Eric

Response to your official information request

Thank you for your official information request received on 20 September 2022 asking whether the Government has provided any direction to Toitū Te Whenua Land Information New Zealand (LINZ) regarding national interest considerations in retail grocery. You have also asked whether LINZ has received any correspondence from or had any meetings with members of Cabinet, or their offices, regarding retail grocery entry. If so, you have asked for copies of that correspondence and notes and recollections of officials from the relevant meetings.

How the national interest test works

The Overseas Investment Act 2005 gives the Minister of Finance the power to decline consent to certain transactions if they are contrary to the national interest. Alternatively, the Minister of Finance may impose conditions on consents.

Section 34 of the Act allows the Minister of Finance to direct LINZ on certain matters, including the Government's general policy approach to overseas investment in sensitive New Zealand assets, and any general or specific matter relating to LINZ's functions, powers, or duties (such as national interest considerations).

The directions that have been given to LINZ regarding national interest considerations are contained in a letter from the Minister of Finance dated 24 November 2021. The directive letter refers to a guidance note ("Foreign Investment Policy and National Interest Guidance (June 2021)") published on The Treasury website. Both the directive letter and the guidance note are attached to this letter.

In response to your questions:

- LINZ has not received any specific direction from the Government about national interest considerations in retail grocery.
- LINZ has not received any correspondence from or had any meetings with members of Cabinet, or their offices, regarding retail grocery entry.

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

If you wish to discuss the Government's policy on national interest considerations, please feel free to contact The Treasury's International Team.

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.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, will be published on the Toitū Te Whenua Land Information New Zealand's website. This is likely to be published by 30 November 2022.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rebecca McAtamney', with a long horizontal flourish extending to the right.

Rebecca McAtamney
Head of Regulatory Practice and Delivery