Application form

Exemption from the definition of non-NZ government investor

Use this template to apply for an exemption from the definition of non-NZ government investor. This accompanies the application submission webform.

It is important that you provide us with accurate and complete information. It is an offence to make a false or misleading statement or material omission in any information or document provided to us.

We may use relevant legislation to share details of this application with other agencies to the extent permitted by law and as required to complete the application process.

Instructions

* + Please do not remove the instruction text from this template.
  + Use the latest version of this template. Download this template from our website before each use.
  + Follow the guidance in each section. Provide all required information.
  + Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
  + This is a living document and must be updated during the assessment process if further information is provided. Updated versions of this document must be recorded in the table below and with [tracked changes](https://support.office.com/en-us/article/Track-changes-in-Word-197ba630-0f5f-4a8e-9a77-3712475e806a#ID0EAABAAA=2016,_2013) so we can easily identify those updates.

Electronic Filing Requirements

This application form and supporting information must be submitted electronically using our [Application Submission Webform](https://oio.linz.govt.nz/oio-app-submissions). The webform is a secure upload site and provides details of our electronic filing requirements.

Please do not provide hard copy versions of your documents.

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| --- | --- | --- |
| Checklist | | |
| 1. | Electronic copy of your signed application (without attachments) |  |
| 2. | Electronic copy of each attachment to your application (number and describe each appendix as follows: ‘Attachment 01 – X’) |  |
| 3. | All PDF documents are:  ‘Printed to PDF’, or scanned and OCR’d (i.e., all text in the document can be copied)  Free from security restrictions  In colour (if the document contains colour)  If scanned, at 300 dpi (where possible) |  |

Version control

Record the details of each version of the application form below.

|  |  |  |
| --- | --- | --- |
| Version | Date | Description |
| *e.g., 1.0* | *e.g., 01/01/20* | *e.g., First version submitted to LINZ* |
| [Add] | [Add] | Click or tap here to enter text. |
| [Add] | [Add] | Click or tap here to enter text. |

Declaration

By signing the below I agree that:

* + The information provided in this application form (including any attachments) is true, correct and complete.
  + I have read and understood the privacy and information sharing notice in **Attachment 1** of this document.
  + I am the Applicant or I am a representative of the Applicant who has authority to sign on its behalf (e.g. director of the Applicant).

Applicant signature

Sign the application below.

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|  | | |
| [Sign here] | | Date [e.g., 01/01/20] |
| [Name] | [Position] | [Date] |

Application signature – Amended version

You may be required to sign the amended application form if there are material changes.

|  |  |  |
| --- | --- | --- |
| Sign the amended version of the application form below if we request you to. | | |
| [Sign here] | | Date [e.g., 01/01/20] |
| [Name] | [Position] | [Date] |

Definitions

Add defined terms you will use in this application in the table below. Use meaningful terms that are easily remembered and will be used consistently throughout this application - for example, abbreviated company names for quick reference. Ensure that the terms are not duplicated with different meanings.

|  |  |
| --- | --- |
| Act | Overseas Investment Act 2005 |
| Regulations | Overseas Investment Regulations 2005 |
|  |  |

Confidentiality

Does any information in this application need to be kept confidential from other parties to this application?

There is no need to make general confidentiality statements.

1. Response

Decision date

Is there a date by which the decision is requested? If so, provide the requested decision date and explain the reason why a decision is required by this date.

1. Response

Section 1: Exemption

Provide details of the entities for which you seek an exemption under [section 20AA](https://www.legislation.govt.nz/act/public/2021/0017/latest/LMS438135.html).

Include the names and jurisdictions of the entities. Where relevant include their relationships to each other and, if there is a consent application to which this exemption relates, to the Applicant for consent. If possible, please also include each entity's area of business, whether geographic region or industry, as well as each entity's target market.

1. Response

Explain why each entity for which you are seeking an exemption is a 'relevant government enterprise' under [section 6(1) of the Act](https://www.legislation.govt.nz/act/public/2005/0082/latest/DLM356891.html), and is therefore a 'non-NZ government investor'.

Provide information as to why each particular entity would be considered a 'relevant government enterprise', with reference to the type of entity they are and the criteria in the Act.

1. Response

Explain the requested duration of the exemption.

Please note an exemption may not continue in force for more than 5 years

1. Response

Provide a list of the key individuals involved in controlling the business of all the entities for which an exemption is sought.

Include all members of the governing body of each relevant entity and any other individuals with control over investment or management decisions.

1. Response

Provide the case numbers for any consents where any of the entities for which you are seeking an exemption was a relevant overseas person (if none, please note as 'N/A'):

1. Response

Section 2: Criteria

Explain the requested extent of the exemption. The extent must not be broader than reasonably necessary:

1. Response

Tell us why the exemption being sought is necessary, appropriate, or desirable:

1. Response

Explain why the government of any one country does not have the right to exercise, or control the exercise, of more than 25% of the voting power at a meeting:

1. Response

Explain the limitations on a government's ability to control or influence the investment or management decisions relating to an individual investment (that would fall within those decisions described in regulation 64D(2)(b)):

1. Response

Explain any decision making delegations in place (formal or informal) that give or restrict influence or control by a foreign government over the entities covered by the exemption:

1. Response

Provide details of any use of influence in relation to any of the entities for which you seek an exemption:

1. Response

Provide details of the original policy or strategic directive or intent for all of the entities for which you seek an exemption - as well as any subsequent policies or directives that relate to any of those entities

1. Response

Tell us about any other matters that are relevant in the circumstances:

1. Response

Section 3: Owernship

Ownership

Explain the ownership of the entities the exemption will cover (using structure diagrams to illustrate).

Tell us about the ownership and control of the entities that the exemption will cover, tracking back to the ultimate owners/controllers. If this exemption relates to a consent application, tell us about how the entities the exemption will cover own or control the Applicant for consent. Explain the significance of any intermediary entities and other parties (including associates). Where applicable, describe trust arrangements, and all share classes on issue (and who owns them).

1. Response

Beneficial ownership table:

In the table below, identify all beneficial owners, individuals with greater than 5% interest (either alone or together with associates) in the Applicant.

If it is not possible to identify individual beneficial owners, entities may be included in the table instead.

For any entities in the table, provide a description of the entity (including who owns/controls it), and if it is not possible to identify the individual why it is not possible to identify the individual e.g. A Norwegian superannuation fund for the benefit of state sector employees managed by the Norwegian Government entity 'X'.

We acknowledge that in some cases it may not be possible to identify beneficial owners with holdings below the 5% threshold – these may be included as the entity class ‘various owners with <5% interests’

| Beneficial owner | Percentage | Description |
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Ownership by country table:

Provide a breakdown of ultimate beneficial ownership of the Applicant by country.

Avoid grouping countries or listing ownership by continent.

For listed companies, an Applicant should provide the most accurate information they can (rounded to one decimal place) about the location of their shareholders and be clear about the source of that information. Widely held shareholding can be recorded as the corresponding region - or if unable to be determined by country use region e.g. North America or select 'Various regions', or if the country has a less than 1% ownership stake.

| Country | Percentage (must total 100%) |
| --- | --- |
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Attachment 1: Privacy and information sharing notice

We collect information to decide whether you are eligible, and to monitor your compliance with conditions of consent. Toitū Te Whenua Land Information New Zealand (**LINZ**) collects information about you on this form to:

* + decide whether you are eligible for LINZ consent to invest in sensitive New Zealand assets, and
  + monitor that conditions are met if we grant consent.

We are authorised to collect this information under the Overseas Investment Act 2005.

We can share your information for some purposes

We may share information about you as part of:

* + Administering, monitoring and enforcing the Overseas Investment Act 2005.
  + Meeting information-sharing agreements we have with some New Zealand government agencies. For example, we share information with the Ministry of Business, Innovation and Employment and the Department of Internal Affairs to verify passport and visa information and travel movements, and to monitor whether a person has become a New Zealand citizen.
  + Sharing information to maintain the law, such as volunteering information to Inland Revenue, NZ Police, the Ministry of Business, Innovation and Employment, the Serious Fraud Office, and other law enforcement agencies.
  + Consulting with relevant stakeholders as to your benefit claims and features of the investment, including central government organisations such as the Department of Conservation, Ministry of Business, Innovation and Employment, and Ministry of Primary Industries, Crown entities such as Ministry of Arts, Culture and Heritage and the NZ Transport Agency, and Crown agents such as the Walking Access Commission.

Applications for consent that you submit to LINZ are a public record. However, the Official Information Act 1982 and the Privacy Act 2020 have provisions that allow us to withhold information contained in an application. More information about the privacy and confidentiality of the information contained in an application can be found at [Privacy, confidentiality, and sharing of information](https://www.linz.govt.nz/overseas-investment/apply/you-apply/privacy-confidentiality-and-sharing-information).

We keep your information secure

All relevant information about you is collected in line with the Overseas Investment Act 2005 and Privacy Act 2020 and is held securely by LINZ. Under the Privacy Act 2020, you may request this personal information and ask for any errors to be corrected.

You do not have to provide all the information requested in this form, but not doing so may make it difficult to process your request under the Overseas Investment Act 2005. Please [contact us](https://www.linz.govt.nz/overseas-investment/contact/contact-overseas-investment-office) if you have any questions or concerns about the information in this form.