

TOMPKINS | WAKE

Investing and Doing Business in New Zealand



2024-2025

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DISCLAIMER

This guide is intended to provide general information about doing business in New Zealand and should not be considered legal advice. While efforts have been made to ensure the information is accurate and up to date, it may not reflect the most current legal developments. Readers are advised to seek professional legal advice tailored to their specific circumstances before making any decisions based on the information provided in this guide. Tompkins Wake and the authors of this guide disclaim any liability for actions taken or not taken based on the contents of this document.

New Zealand

5.34 million *

Total Population of
New Zealand



15TH OUT OF 193 NATIONS FOR
NATION BRAND

New Zealand ranks 15th out of 193 member states on the Brand Finance GSPI Index. The index measures the willingness of respondents to recommend New Zealand as a place to invest in, buy products and services from, work and study in, and visit.

Source: Brand Finance, Global Soft Power Index, 2024.

3RD IN THE WORLD FOR
CORRUPTION
TRANSPARENCY

New Zealand ranks 3rd out of 180 countries for the least corrupt public sector.

Source: Transparency International, 2023 Corruption Perceptions Index.

* Provisional June 2024 data. Source: StatsNZ

01.

About Tompkins Wake

Tompkins Wake is one of New Zealand's top 10 law firms, offering full-service commercial expertise with a strong focus on supporting international investors. We are deliberately positioned across the 'golden triangle', New Zealand's commercial and economic heartland, and are located in the country's fastest-growing and most economically significant regions.

As a leading full-service commercial law firm with offices in Auckland, Hamilton, Tauranga and Rotorua, Tompkins Wake delivers specialised legal solutions across a broad range of industries, throughout New Zealand. With over 120 legal specialists and 220+ staff, we offer in-depth expertise in areas such as corporate law, property, overseas investment, and resource management, ensuring that international investors are fully supported when entering the New Zealand market.

Tompkins Wake is consistently recognised for its excellence both in New Zealand and internationally, with endorsements from Legal 500, Chambers and Partners, Benchmark Litigation, IFLR, and Best Lawyers. These accolades position the firm as a leader across multiple areas of law, reflecting our commitment to delivering exceptional expertise and client service.

With a proven track record of delivering strategic, commercially focused legal advice, Tompkins Wake is the ideal partner for businesses and investors looking to capitalise on opportunities in New Zealand.

To read more about Tompkins Wake, visit tompkinswake.com.

**TOMPKINS
WAKE** | Regionally Present.
Nationally Focused.
Globally Connected.

Market Recognition



Chambers and Partners 2024

Dispute Resolution
Real Estate

The Legal 500 2024

Leading Law Firm
26 Recommended Lawyers

Best Lawyers 2024

6 Lawyers recognised as Leading
Authorities in their field

IFLR1000 2024-2025

Notable Firm

Benchmark Litigation 2023

Recommended Firm

NZ Law Awards

Mid-Size Law Firm of the Year (2019-2021)
Employer of Choice (2020-2022)
Insolvency & Restructuring Deal of
the Year (2021)

02.

Living & Doing Business in New Zealand

With a population of around 5.3 million, New Zealand is known for its cultural diversity and vibrant society. Shaped by indigenous Māori, Pacific Islander, Asian, and European influences, this multiculturalism enriches the nation's social and economic landscape, making it an attractive destination for international investment.

Geography

New Zealand is located in the South Pacific Ocean, with a land area comparable to that of Japan or the United Kingdom. The country has one of the world's largest exclusive economic zones (EEZ), covering approximately 4.1 million square kilometres. New Zealand consists primarily of two main islands, the North Island and South Island, and enjoys a temperate climate. Known for its clean air, natural landscapes, and high quality of life, New Zealand offers abundant access to nature, which is highly valued by residents and visitors alike.

Demographics

The population is predominantly of European descent, comprising about 70% of New Zealanders. The indigenous Māori community represents around 16% of the population, while Pacific Islanders make up 8%. A significant Asian community further emphasises New Zealand's strong connections to global markets and cultures. This diversity fosters a dynamic business environment with varied perspectives and innovative ideas, essential for enterprises looking to thrive in international markets.

Urban Centres

New Zealand's economic activities are primarily concentrated in urban areas, which serve as cultural and commercial hubs. Auckland, the largest city, is home to around 1.7 million people and acts as a vital economic gateway for the Asia-Pacific region. The capital city, Wellington, with a population of approximately 400,000, is the political heart of the country, while Christchurch, the South Island's main urban centre, has nearly 375,000 residents. These cities provide infrastructure and networks that support business growth and international operations.

Time Zone and Business Hours

New Zealand operates in the New Zealand Standard Time Zone (NZST), which is 12 hours ahead of GMT (UTC+12). This position provides business advantages, particularly when coordinating with key Asia-Pacific markets like Australia, China, and Japan. New Zealand's workday begins before business hours in the Americas, enabling efficient overnight processing of transactions, while also offering overlapping working hours with Europe in the afternoon. This time zone positioning allows for greater flexibility in international operations, making New Zealand an effective base for global business activities.

Culture and Society

New Zealand's culture reflects its blend of Māori, Pacific, and European influences. Known for their friendliness and informal lifestyle, New Zealanders, or "Kiwis," value honesty, equality, and a strong sense of community. This social environment extends to business, where transparency and fair practices are highly regarded. Sports such as rugby, cricket, and netball are deeply rooted in the culture, while outdoor activities like hiking, skiing, and surfing are popular. The arts scene is also thriving, with local talent making notable contributions to music, film, and visual arts on the international stage.

Languages

New Zealand has three official languages: English, Māori (Te Reo), and New Zealand Sign Language (NZSL). English is spoken by about 96% of the population. Recent efforts to revitalise Māori have led to an increased interest in learning the language across communities, fostering bilingual initiatives in public services and education. NZSL, widely used in the deaf community, further reflects New Zealand's commitment to inclusivity and diverse communication.

30%

of New Zealand is protected as a national reserve, preserving iconic landscapes like Tongariro, Milford Sound, and Mount Cook.

Source: Department of Conservation | New Zealand



03.

New Zealand's Economy

New Zealand boasts an open and dynamic economy driven by free market principles and strong international trade. Key sectors include agriculture, manufacturing, and services, with exports accounting for about one-third of the country's GDP. The economy's outward focus ensures robust trade relationships with markets worldwide, particularly in the Asia-Pacific region.

Key Economic Sectors

New Zealand's economic structure is built on several key industries:

- **Agriculture:** As a global leader in food production, New Zealand's agricultural sector is dominated by dairy, meat, and horticulture. Dairy products are the largest export, driven by demand for high-quality and value-added goods, while the horticulture sector, particularly kiwifruit and apples, continues to expand in European and Asian markets.
- **Forestry:** With vast forest resources, New Zealand is a key exporter of timber and wood products, particularly to Asian markets. The sector is expected to experience modest growth in the coming years, supported by increased availability of logs and a focus on sustainable forestry practices.
- **Seafood:** The seafood industry is growing steadily, with strong demand from international markets. Revenue is projected to rise due to sustainable fishing practices that enhance long-term viability.
- **Manufacturing:** Closely tied to agricultural output, the manufacturing sector processes food and beverages for both local and global consumption. The sector also extends to specialised products, including machinery and equipment for agriculture and horticulture.
- **Services Sector:** The services sector, including tourism, finance, and technology, is an integral part of New Zealand's economy. Tourism, although impacted by global disruptions, remains a vital industry. Meanwhile, the technology sector, particularly digital innovation and software development, is growing rapidly, helping diversify the economy.

Investment Opportunities

New Zealand's economy presents a highly attractive environment for foreign direct investment (FDI). The country's transparent regulatory framework, political stability, and skilled workforce provide a solid foundation for international investors. FDI inflows have surged in recent years, with an increase of over 88% in 2022.

Key sectors for foreign investment include:

- **Infrastructure Development:** There are significant opportunities in transportation, telecommunications, and housing projects. The government encourages investment in infrastructure to support long-term economic growth.
- **Renewable Energy:** With over 80% of its electricity generated from renewable sources, New Zealand leads the way in green energy and offers opportunities in solar, wind, and geothermal energy. The country's push towards a low-emissions economy by 2050 creates fertile ground for investments in green technology.
- **Technology and Innovation:** The government's commitment to research and development (R&D), particularly in technology, has resulted in a surge of tech startups and digital innovation hubs across the country. Investors benefit from tax incentives, such as the 100% deductibility of R&D expenditure, further boosting the tech sector.
- **Agribusiness:** Agricultural technology and sustainable farming practices present key areas for innovation and investment. With a growing emphasis on sustainability and environmental stewardship, foreign investors can contribute to modernising New Zealand's agricultural practices.

Key Export Sectors and Industries

New Zealand's export profile is predominantly driven by the food and fibre sector, with substantial contributions from dairy, meat, forestry, horticulture, and seafood industries:



\$54.2
billion

Food and Fibre

Export revenue reached \$54.2 billion for the year ending 30 June 2024, a 5% decrease due to slower economic growth, especially in our key export market, China. Revenue is expected to rebound to \$58.1 billion in 2025 due to strong gains in Dairy and Horticulture.



\$2.2
billion

Seafood

Export revenue reached \$2.2 billion for the year ending 30 June 2024, a 5% decrease due to slower economic growth, especially in our key export market, China. Revenue is expected to rebound to \$2.2 billion in 2025 due to strong gains in Horticulture.



\$24.2
billion

Dairy

Export revenue is forecast to drop 7% to \$24.2 billion in 2024, due to weaker global demand and increased supply from China. A recovery to \$25.7 billion is expected in 2025, driven by higher prices and modest growth in domestic production.



\$310
million

Arable

Export revenue is expected to rise 12% to \$310 million in 2024, led by strong returns in vegetable seeds and favourable seasonal conditions. Revenue is forecast to remain steady at \$310 million in 2025, with gains in vegetable seed and ryegrass offset by declines in other categories.



\$11.4
billion

Meat and Wool

Export revenue is expected to fall 6% to \$11.4 billion in 2024, driven by higher global red meat supply and weaker economic conditions. A 3% recovery to \$11.8 billion is forecast for 2025, supported by stronger demand and lower global beef exports.



\$3.5
billion

Other Primary Exports

Export revenue is expected to decline 1% to \$3.5 billion in 2024, largely due to the ban on live animal exports by sea. A recovery to \$3.6 billion is forecast for 2025, driven by growth in innovative processed foods.



\$5.9
billion

Forestry

Export revenue is expected to drop 7% to \$5.9 billion in 2024 due to lower export volumes and weak global demand for wood products. A recovery to \$6.2 billion is forecast for 2025, driven by improved processed wood production.



\$7.1
billion

Horticulture

Export revenue is expected to grow 1% to \$7.1 billion in 2024, with favourable weather aiding recovery from cyclone damage. Weak wine demand and a poor avocado season limited gains, but revenue is forecast to hit \$8.0 billion in 2025 with higher volumes and prices.

Free Trade Agreements (FTAs)

New Zealand's trade agreements, combined with its strong export sectors, underscore a robust trade profile. The country leverages natural resources and strategic policies to maintain a significant presence in global markets, particularly in the Asia-Pacific region.

New Zealand has Free Trade Agreements with various countries and regions, including:

- Australia
- European Union
- United Kingdom
- Brunei
- Chile
- Hong Kong, China
- Malaysia
- Thailand
- Taiwan
- South Korea
- Singapore



New Zealand is also part of broader regional agreements such as:

- ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA)
- Pacific Agreement on Closer Economic Relations (PACER) Plus
- Trans-Pacific Strategic Economic Partnership (P4)
- Digital Economy Partnership Agreement (DEPA) with Chile and Singapore

These agreements enhance trade relations by reducing barriers, creating market opportunities, and providing benefits for exporters.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

The CPTPP, involving New Zealand and 10 other economies, simplifies trade, supports Māori interests under the Treaty of Waitangi, and helps small businesses. New Zealand chaired the CPTPP in 2023.

Regional Comprehensive Economic Partnership (RCEP)

RCEP builds upon New Zealand's established trade relationships in the Asia-Pacific, offering:

- Enhanced opportunities for goods, services, exporters, and investors

- Specific benefits for Māori businesses, including the protection of Māori interests
- Modernised trade frameworks across various sectors

These agreements position New Zealand as a key player in global trade, facilitating economic diversification and strengthening cooperation in the Asia-Pacific region.

100 NZ WINE EXPORTS TO MORE THAN COUNTRIES GLOBALLY

Wine is one of New Zealand's biggest export goods valued at \$2.4 billion a year.

Source: New Zealand Winegrowers, June 2023.

Resources

Key resources include:

- [Ministry for Primary Industries \(MPI\)](#)
- [New Zealand Trade and Enterprise \(NZTE\)](#)

Government & Legal System

Political System

New Zealand operates as a self-governing democratic nation that recognises the British Monarch as a ceremonial head of state. The country adopted the Westminster model of governance during its colonial era with Britain, but it functions independently, without a written constitution or a federal structure. Instead, its system is based on laws, conventions, and important documents that together provide a framework for representative democracy.

New Zealand is a parliamentary democracy where citizens elect representatives to the House of Representatives, the primary legislative body. The Governor-General acts as the representative of the King of New Zealand, fulfilling ceremonial duties while the real political power resides with Parliament. The country's government is led by the Prime Minister, who is the leader of the political party or coalition that commands the majority support in Parliament.

The Mixed Member Proportional (MMP) system allows for proportional representation in Parliament, encouraging coalition governments. Local government also plays a significant role, with councils responsible for local decisions on matters such as zoning, planning, and building permits, though national legislation takes precedence.

Current Government

Following the 2023 elections, New Zealand is governed by a coalition of the National Party, ACT New Zealand, and New Zealand First. This three-party alliance is notable for being the first of its kind under the MMP system, marked by detailed agreements outlining their approach to governance. The coalition's formation underscores a structured, collaborative approach to decision-making in the country.

Historical Context

Since 1984, New Zealand has undergone significant economic deregulation, shifting from a highly regulated economy to a more market-oriented approach.

These changes have had a lasting impact on the political and economic landscape, influencing the country's approach to business and regulatory policies.

Legal System

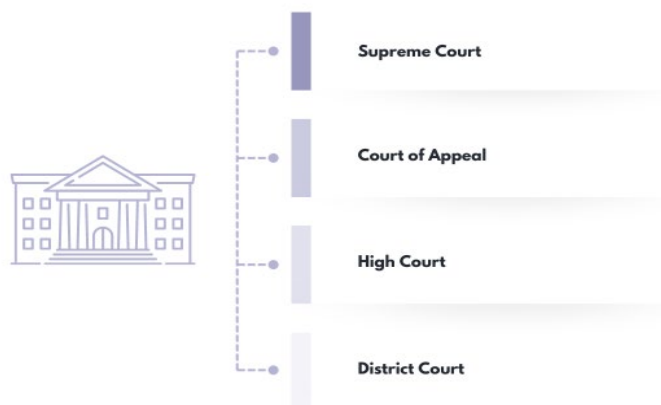
New Zealand's legal system is rooted in the English common law tradition, with modifications that reflect the country's unique history and evolving societal values. It encompasses a hierarchy of courts and tribunals designed to ensure justice is accessible, impartial, and fair.

Court System

The court hierarchy starts with the District Court, followed by the High Court, Court of Appeal, and Supreme Court. The Supreme Court is the highest court in the land, serving as the final appellate authority. In addition to these, New Zealand has several specialised courts and tribunals that handle specific types of cases, including the Employment Court, Environment Court, and Māori Land Court.

The system aims to ensure disputes are resolved fairly and promptly, while the principle of judicial independence protects the judiciary from political influence. This safeguards the rights of individuals and maintains public confidence in the rule of law.

For more detail, refer to [Dispute Resolution](#), page 35.



Specialised Agencies and Regulatory Bodies

In addition to courts, New Zealand's legal framework includes various administrative agencies that enforce specific laws. Key examples include:

- The **Commerce Commission**, responsible for competition and consumer protection laws.
- The **Financial Markets Authority**, which regulates the financial services industry.
- The **Environmental Protection Authority**, overseeing compliance with environmental standards.

These bodies play a crucial role in maintaining regulatory compliance and ensuring that business operations adhere to national standards.

Judiciary

The judiciary functions as an independent branch of government responsible for interpreting and applying the law. Judges are appointed based on their legal expertise and experience, ensuring that the judiciary operates free from political pressures. Judicial independence is a cornerstone of New Zealand's legal system, upholding the rule of law and fostering trust in the legal process.

2ND IN THE WORLD ON THE DEMOCRACY INDEX

New Zealand ranks 2nd out of 165 countries on the EIU Democracy Index. The index is based on five measures: electoral process, civil liberties, functioning of government, political participation and political culture.

Source: Economist Intelligence Unit (EIU),
World Democracy Index, 2023.

05.

Māori Culture & Influence

Māori, the indigenous Polynesian people of New Zealand (Aotearoa), hold a central place in the country's cultural, historical, and social fabric. Their influence is deeply integrated into New Zealand's governance, business, and social systems, shaping the nation's identity and contributing to its economic landscape.

Historical Background

Māori arrived in New Zealand between 1250 and 1300 CE, navigating from eastern Polynesia in waka (canoe) voyages. Prior to European contact, Māori society was organised into a complex hierarchical structure consisting of whānau (extended family), hapū (subtribe), and iwi (tribe), with a strong emphasis on communal ownership, reciprocity, and collective responsibility. These social structures remain integral to Māori culture today and play a significant role in governance and community organisation.

The Treaty of Waitangi

Signed on 6 February 1840 between Māori chiefs and representatives of the British Crown, the Treaty of Waitangi is New Zealand's founding document. It exists in two versions—English and Te Reo Māori - which differ in meaning, leading to historical conflicts and ongoing negotiations.

The key principles of the Treaty are:

- **Kāwanatanga (Governorship):** The Crown's right to govern
- **Tino Rangatiratanga:** Māori retention of chieftainship over their lands, villages, and treasures
- **Ōritetanga:** Equality between Māori and other New Zealand citizens

The Waitangi Tribunal, established in 1975, addresses grievances related to breaches of the Treaty and makes recommendations for settlements. These claims have led to significant redress for Māori communities, including land restitution and financial compensation.

The Kīngitanga (Māori King Movement)

The Kīngitanga was established in 1858 in response to increasing European colonization and Māori land loss. Pōtatau Te Wherowhero of Waikato was chosen as the first Māori King to unite tribes, protect lands, and create a parallel authority to the British Crown. The movement aimed to stop inter-tribal warfare and preserve Māori sovereignty. Under the current Māori Queen Kuini Nga wai hono i te po, the Kīngitanga continues to influence Crown-Māori relationships, treaty settlements, and cultural affairs.

Māori Representation and Influence in Government

Māori representation in New Zealand's governance is a prominent feature of the political landscape. There are seven dedicated Māori seats in Parliament, adjusted based on the Māori electoral population. Māori participation in government is further supported by the Ministry of Māori Development (Te Puni Kōkiri), which oversees policies affecting Māori communities. Increasingly, local governments are integrating Māori perspectives into decision-making processes, particularly in areas like land management and cultural preservation.

Māori Economy and Business

The Māori economy is valued at over NZ \$50 billion and continues to grow, characterised by a collective ownership model and a focus on sustainability and intergenerational wealth creation. Māori businesses typically operate with a quadruple bottom line, considering financial, social, cultural, and environmental outcomes. Kaitiakitanga (guardianship) is central to Māori business practices, emphasising the sustainable management of resources.

Key sectors of Māori economic activity include:

- **Agriculture:** Māori businesses are heavily involved in large-scale dairy and meat production, contributing significantly to the national economy.
- **Fisheries:** Māori are major stakeholders in New Zealand's fisheries, an industry shaped by Treaty settlements that have returned commercial fishing rights to iwi.
- **Forestry:** Māori own substantial tracts of forestry land, and their participation in this sector is growing, contributing both economically and environmentally.
- **Tourism:** Māori tourism ventures, focused on cultural and eco-tourism, attract visitors seeking authentic indigenous experiences.
- **Technology and Innovation:** Māori businesses are increasingly active in digital technology, with numerous tech startups emerging within iwi and hapū organisations.

The New Zealand government actively supports Māori economic development through initiatives like the Māori Business Facilitation Service, the Māori Innovation Fund, and the Provincial Growth Fund, all of which prioritise projects that benefit Māori communities.

Māori Contributions to New Zealand's Identity

The cultural contributions of Māori extend far beyond business and politics. Māori customs, or tikanga, play a pivotal role in defining New Zealand's national identity. Traditional Māori ceremonies, such as the pōwhiri (welcoming ceremony) and the haka (war dance), are commonly performed at state functions, sporting events, and cultural gatherings, reflecting the deep integration of Māori traditions into the broader societal fabric.

New Zealand's education system also reflects a commitment to Māori cultural preservation, with initiatives such as kōhanga reo (Māori-language preschools) and kura kaupapa Māori (Māori-language schools), which promote the use of Te Reo Māori and the incorporation of Māori perspectives into the national curriculum.

In New Zealand, Māori influence is evident through the promotion of Te Reo Māori (the official Māori language), Māori media platforms, and cultural celebrations like Matariki (Māori New Year), which is now a public holiday.

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06.

Investing in New Zealand

New Zealand's foreign investment framework is governed by the Overseas Investment Act 2005 (OIA) and the associated Overseas Investment Regulations 2005. These laws aim to ensure that overseas investment benefits the country while protecting sensitive assets, such as land and strategic businesses. New Zealand is an attractive destination for foreign investors, recognising the positive contributions they can bring to the economy and society.

Overview of the Overseas Investment Regime

The Overseas Investment Office (OIO) administers the regime, overseeing applications for investments that meet the criteria set out in the OIA. The process involves providing detailed information about the investor and the proposed investment. Although the application process can be complex, investors who seek expert advice can generally navigate it successfully. Applications are decided by the OIO, with final approval often made by the relevant Government Ministers.

Consent applications should account for a processing time that can range from six weeks to six months or longer, depending on the complexity of the transaction.

Who Needs Consent to Invest?

Consent is generally required for investments involving an "overseas person" in the following categories:

- 1. Significant Business Assets:** Consent is required if the acquisition involves assets valued over NZ\$100 million. For investors from certain countries, such as those covered by the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) or Australia, higher thresholds apply, reflecting New Zealand's commitment to facilitating trade relationships while maintaining oversight.
- 2. Sensitive Land:** Any acquisition of land classified as "sensitive" under New Zealand law requires consent. The definition includes various types of land, such as:
 - Land adjoining bodies of water (e.g., foreshore, lakes, rivers)
 - Land held for conservation purposes
 - Historical, cultural, or heritage sites
 - Land associated with strategic infrastructure (e.g.,

utilities, transport)

- Rural land above a certain size threshold
- Land near defence areas

- 3. Fishing Quota:** Foreign investors must obtain consent to acquire fishing quotas, ensuring sustainable management of New Zealand's marine resources.
- 4. Call-in Transactions:** The government can review certain transactions that may not meet standard criteria for automatic review but could affect national interests or strategic infrastructure. This "call-in" power enables the government to intervene if necessary.

Some investments may involve multiple categories, such as purchasing a business that owns sensitive land.

Definition of an "Overseas Person"

An "overseas person" is defined under the OIA as:

- **Individuals:** Any person who is not a New Zealand citizen or ordinarily resident in New Zealand.
- **Entities:** Companies, partnerships, or trusts with more than 25% overseas ownership or control.
- **Managed Investment Schemes:** Schemes managed by an overseas person.

Additional criteria apply for New Zealand-incorporated and publicly listed entities.

The Investor Test

Investors must pass the Investor Test if their investment in New Zealand involves significant business assets or sensitive land.

This test assesses the “character” and “capability” of the investor, focusing on factors such as:

- **Character:** No convictions leading to imprisonment for five years or more, no significant legal or regulatory breaches, and no history of serious misconduct.
- **Capability:** The investor should not be disqualified from holding positions such as director or manager, should have no major tax liabilities, and should not have outstanding tax debts exceeding \$5 million.

The OIO can grant consent even if certain disqualifying factors are present, provided it is satisfied that the investor remains suitable to own or control sensitive assets.

Criteria for Transaction Consent

When evaluating applications, the OIO uses several criteria to ensure that investments benefit New Zealand:

1. **Investor Test:** Evaluates the suitability of investors based on character and capability criteria.
2. **Benefit to New Zealand Test:** For sensitive land transactions, the investment must demonstrate substantial benefits, such as job creation, export growth, technology introduction, or environmental protection.
3. **Special Land Test:** For transactions involving land with significant cultural, historical, or environmental value, additional scrutiny is applied.
4. **Counterfactual Test:** Assesses what would likely happen if the investment did not proceed, to gauge the net benefit.
5. **National Interest Test:** Applies to larger and complex investments, evaluating potential risks to security, public order, or economic stability.
6. **Strategic Asset Test:** Ensures investments in significant assets (e.g., ports, airports, telecommunications) align with New Zealand’s strategic interests.

The OIO ensures that the investments meet legal standards and positively contribute to New Zealand’s welfare.

Types of Sensitive Land

Land classified as sensitive under New Zealand law includes:

- **Bodies of Water:** Land adjoining the foreshore, lakes, or rivers.
- **Conservation Land:** Areas protected for ecological, scenic, or biodiversity reasons.
- **Heritage Sites:** Locations of cultural or historical significance.
- **Strategic Infrastructure Sites:** Land associated with utilities, transportation, or defence installations.
- **Rural Land:** Large parcels of farmland or forestry land.
- **Land Near Defence Areas:** Properties close to military installations for security reasons.

Other Considerations for Specific Land Types

1. **Farm Land:** Farm land must be advertised on the open market before a sale to an overseas person, unless exemptions apply. Overseas investors must show that the investment will deliver significant benefits, such as job creation, export growth, or technological innovation.
2. **Residential Land:** Non-sensitive residential land acquisitions may require meeting one of the following criteria:
 - Committing to reside in New Zealand
 - Contributing to increased housing supply
 - Using the land for non-residential purposes
 - Incidental residential use
3. **Forestry Land:** Consent is required for purchasing more than five hectares of forestry land. There are specific tests for forestry investments, such as the special forestry test and modified benefits test, which include requirements for replanting after harvest.
4. **Freshwater or Seawater Areas:** Areas classified as sensitive (e.g., coastal, lake, or riverbeds) must be considered in the OIO consent process, ensuring compliance with national environmental standards.
5. **Leases:** Leasehold interests in sensitive residential land with a term exceeding three years require consent. For other sensitive land, the threshold is ten years or more.

For more detail, refer to *Real Estate & Property Development*, page 31.

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95%

of foreign investment applications were approved by the Overseas Investment Office (OIO) in the last year.

Starting a Business in New Zealand

New Zealand is renowned for its business-friendly environment, making it a popular destination for investors worldwide. The process of forming and registering a company is relatively straightforward but involves several important steps and considerations, particularly for overseas investors.

Common Business Structures for Overseas Investors

The most common business structure for foreign investors is the Limited Liability Company (LLC), which provides a separate legal entity status and limits shareholders' liability to their investment. Other options include Sole Proprietorship, Partnership, Limited Partnership, Subsidiaries, Branches, and Joint Ventures, each serving different business needs:

Business Structure	Advantages	Considerations
Limited Liability Company (LLC)	Liability protection, tax benefits, separate legal entity status	Requires at least one director based in New Zealand or Australia
Subsidiary	Local incorporation, enhanced market credibility, liability protection	Higher compliance costs, more complex regulatory requirements
Branch	Lower operational costs, easier management integration with parent company	Parent company exposed to liabilities in New Zealand, consolidated financial reporting required
Limited Partnership (LP)	Pass-through taxation, limited liability for passive investors	Requires clear agreements on partner roles and responsibilities
Joint Venture	Resource sharing, flexibility, tailored to specific projects	Potential conflicts between partners, robust agreements necessary

Registration Process for a Limited Liability Company

The company registration process in New Zealand is user-friendly, with most steps completed online through the New Zealand Companies Office:

- Reserve a Company Name:** Done through the Companies Office website, valid for 20 working days.
- Provide Director and Shareholder Details:** Information about the directors, shareholders, and the registered office must be submitted.
- Complete the Registration:** Upload the required documents, provide a physical address in New Zealand, and pay the registration fee. Registration can be completed within a few hours if all details are correct.

Key Requirements for LLC Registration

- Directors:** At least one must live in New Zealand or Australia (if they are also a director of an Australian company).
- Shareholders:** A minimum of one is required, with no residency requirements.
- Registered Office:** A physical office and service address in New Zealand are required.

Once registered, the company will be issued an IRD (Inland Revenue Department) number for tax purposes. GST registration is required if annual turnover exceeds NZD \$60,000.

Ongoing Compliance Obligations

After registration, companies must meet ongoing requirements:

- **Annual Returns:** File with the Companies Office.
- **Financial Records:** Maintain accurate financial records and meet tax obligations.
- **Updates to Company Information:** Notify the Companies Office of any changes.
- **Audited Financial Statements:** Required for larger companies.

Interactions with the Overseas Investment Regime

For overseas investors, company registration may intersect with New Zealand's foreign investment regulations. Consent from the Overseas Investment Office (OIO) may be needed for investments in sensitive land, significant business assets, or fishing quotas.

Opening a Bank Account

Opening a bank account for a New Zealand company can be challenging for non-residents, as many banks require an in-person visit or a local director. Stringent Anti-Money Laundering (AML) checks are also part of the process.

Intellectual Property Protection

Registering trademarks and patents with the Intellectual Property Office of New Zealand (IPONZ) is advisable for protecting your business. Trademarks are protected for 10 years (renewable), and patents last for 20 years from the filing date.

For more detail, refer to Intellectual Property, page 37.

Employment Considerations

If hiring employees in New Zealand, businesses must comply with local employment laws, including:

- Minimum Wage Requirements
- Annual Leave and Public Holiday Pay
- Sick and Bereavement Leave Entitlements

For more detail, refer to Employment and Workplace Safety, page 25.

Professional Assistance

Navigating New Zealand's business landscape, particularly for overseas investors, involves complexities. Engaging professionals can help:

- **Legal Advisors:** Assist with company law, overseas investment rules, and compliance.
- **Accountants:** Help with tax registration and ongoing financial obligations.
- **Business Advisors:** Provide market insights and support with strategic planning.

Resources

For up-to-date and comprehensive guidance, visit:

- [New Zealand Companies Office](#)
- [Inland Revenue Department \(IRD\)](#)
- [New Zealand Trade and Enterprise \(NZTE\)](#)
- [Overseas Investment Office \(OIO\)](#)



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08.

Taxation

New Zealand's tax system is overseen by the Inland Revenue Department (IRD), which administers tax laws and ensures compliance. The tax regime is generally straightforward, with relatively low rates and a focus on transparency. The country applies a progressive tax system, where individuals and companies are taxed based on their income levels.

Income Tax for Individuals

Individuals are taxed on a progressive scale depending on their annual income, with rates set to change from 1 July 2024 as follows:

10.5%	Up to NZD \$15,600
17.5%	NZD \$15,601 to NZD \$48,000
30%	NZD \$48,001 to NZD \$70,000
33%	NZD \$70,001 to NZD \$180,000
39%	Above NZD \$180,000

TAX INCOME BRACKET

Residents are taxed on their worldwide income, while non-residents are only taxed on New Zealand-sourced income.

Corporate Taxation

Companies in New Zealand are taxed on their profits at a flat rate of 28%, regardless of income level. There is no graduated corporate tax rate; all corporate profits are taxed at the same rate.

Tax Credits and Imputation: New Zealand uses an imputation system, allowing companies to pass on tax credits to shareholders for the tax paid at the corporate level. This avoids double taxation on dividends.

Goods and Services Tax (GST)

New Zealand levies a Goods and Services Tax (GST) at a rate of 15% on most goods and services. GST is a value-added tax that applies at each stage of the supply chain. Businesses must register for GST if their annual turnover exceeds NZD \$60,000.

- **Zero-Rated Supplies:** Certain goods and services, such as exports, are zero-rated for GST purposes.
- **Exempt Supplies:** Some activities, such as financial services and residential rental accommodation, are exempt from GST.

Other Taxes

In addition to income tax and GST, businesses may be subject to other taxes, including:

- **Fringe Benefit Tax (FBT):** Levied on non-cash benefits provided to employees, such as company vehicles or subsidised loans.
- **Withholding Tax:** Applies to certain types of income, such as interest, dividends, and royalties paid to non-residents. The rate may be reduced under a Double Tax Agreement (DTA).

Taxation of Non-Residents

Non-resident individuals and companies are only taxed on New Zealand-sourced income. To avoid double taxation, New Zealand has a network of Double Tax Agreements (DTAs) with over 40 countries, which determine how tax is applied to cross-border income.

Non-Resident Withholding Tax (NRWT) applies to interest, dividends, and royalties paid to non-residents, but may be reduced or eliminated under an applicable DTA.

Cross-Border Tax Regime

New Zealand's cross-border tax rules ensure that international transactions are appropriately taxed while providing relief to avoid double taxation:

- **Transfer Pricing Rules:** Require related-party international transactions to be conducted on an arm's length basis, ensuring that profits are not artificially shifted to low-tax jurisdictions.
- **Controlled Foreign Company (CFC) Rules:** Ensure that New Zealand residents are taxed on certain income from foreign subsidiaries.
- **Thin Capitalisation Rules:** Limit the deductibility of interest expenses for businesses with high levels of debt to foreign affiliates, preventing excessive interest deductions.

Tax Compliance and Filing

- **Individual Income Tax Returns:** Most individuals do not need to file tax returns if their income is taxed at source through Pay As You Earn (PAYE). Those with additional income must file an Individual Tax Return (IR3).
- **Corporate Tax Returns:** Companies must file annual tax returns. If their turnover exceeds NZD 30 million, audited financial statements are required.
- **GST Returns:** Must be filed regularly, either monthly, two-monthly, or six-monthly, depending on the company's annual turnover.

Resources

Given the complexities of the tax system, particularly for foreign investors, it is recommended to seek professional tax advice to ensure compliance and optimise tax outcomes.

Key resources include:

- [Inland Revenue Department \(IRD\)](#)
- [New Zealand Trade and Enterprise \(NZTE\)](#)

Commercial & Business Contracts

New Zealand's contract law is grounded in common law principles, offering flexibility and allowing parties significant freedom to define the terms of their agreements. The legal framework supports commercial transactions by ensuring fairness and protecting the interests of all parties, while specific statutory requirements provide safeguards against unfair practices.

Formation and Enforcement of Contracts

In New Zealand, contracts can generally be made orally or in writing, providing flexibility for businesses. However, some contracts must be in writing due to statutory requirements, such as those involving:

- Land transactions
- Mortgages and guarantees
- Extended consumer warranties
- Credit contracts
- Employment agreements

This approach facilitates ease of commerce, as long as the terms are legally compliant and the parties' intentions are clearly demonstrated.

Statutory Overlays and Consumer Protection

While New Zealand's contract law is primarily shaped by common law, statutory legislation adds layers of protection, especially for consumers:

1. **Consumer Guarantees Act 1993:** Provides guarantees relating to the quality, fitness for purpose, and durability of goods and services. It ensures that consumer expectations are met, regardless of contractual terms.
2. **Fair Trading Act 1986:** Prohibits misleading and deceptive conduct in trade, ensuring fair competition and protecting consumers from unfair practices.
3. **Credit Contracts and Consumer Finance Act 2003 (CCCFA):** Regulates consumer credit contracts by requiring transparency in disclosure and fairness in financial agreements. It aims to protect consumers from predatory lending practices.

Contract and Commercial Law Act 2017 (CCLA)

The CCLA is a central piece of legislation in New Zealand's contract law framework, consolidating various contract-related statutes into a single Act. Key provisions include:

1. **Implied Terms:** Certain terms are implied in contracts for the sale of goods unless explicitly excluded. These terms often concern title, risk, and quality guarantees.
2. **Contracts with Minors:** Contracts entered into by individuals under 18 are generally unenforceable against them, with some exceptions. Courts have the discretion to enforce such contracts if they are deemed fair and reasonable.
3. **Remedies for Breach of Contract:** The Act allows parties to cancel contracts or seek damages for breaches, repudiations, or misrepresentations, provided certain criteria are met. Courts can also modify contracts or award compensation.
4. **Illegality and Unreasonable Restraints of Trade:** Contracts considered illegal or containing unreasonable terms (e.g., restraints of trade) are not enforceable. Courts can intervene to nullify or amend such agreements.
5. **Mistake of Fact:** If a contract was entered based on a mutual or unilateral mistake of fact, relief may be granted, including cancellation or modification of the contract.

Electronic Signatures

The CCLA recognises electronic signatures as legally valid, provided the technology used is reliable, traceable, and secure.

However, some documents must still be executed in traditional formats, including:

- Wills
- Powers of attorney
- Negotiable instruments
- Bills of lading

This recognition of electronic signatures aligns with modern commercial practices, making it easier for businesses to operate digitally.

International Considerations

New Zealand's contract laws apply equally to foreign and domestic entities, providing a uniform legal framework for all commercial parties. This consistency ensures that international businesses can engage with confidence, knowing that the same rules apply.

Balancing Flexibility and Protection

New Zealand's contract law offers businesses the flexibility to negotiate terms while ensuring that parties are protected from unfair practices. The legal framework is adaptable, supporting both domestic and international commercial relationships, and reinforces New Zealand's reputation as a transparent and business-friendly jurisdiction.

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10.

Consumer Rights & Protections

New Zealand's consumer law is designed to uphold the rights of consumers and ensure fair treatment by businesses. The legal framework provides a robust set of protections that both consumers and businesses must understand to comply with the law. The key legislation governing consumer rights is the Consumer Guarantees Act 1993, which outlines the rights and obligations related to the sale and supply of goods and services.

The Consumer Guarantees Act 1993 (CGA)

The Consumer Guarantees Act (CGA) is the primary statute protecting consumers in New Zealand, setting out the minimum guarantees that apply when goods and services are supplied by businesses. It establishes clear rights for consumers and corresponding obligations for businesses:

1. Guarantees for Goods: Under the CGA, goods purchased by consumers must meet the following guarantees:

- **Acceptable Quality:** Goods must be safe, durable, and free from defects, and must look and perform as a reasonable consumer would expect, given their nature and price.
- **Fitness for Purpose:** Goods must be fit for any particular purpose the consumer made known to the seller at the time of purchase.
- **Correspondence with Description:** Goods must match any description provided, such as in advertising or product labelling.
- **Matching Sample or Demonstration Model:** If a sample or model was shown to the consumer before purchase, the goods must match it in quality.

If goods fail to meet any of these guarantees, consumers have the right to seek a repair, replacement, or refund, depending on the nature of the problem and the time since the purchase.

2. Guarantees for Services: For services, the CGA guarantees that:

- Services must be provided with reasonable care and skill.
- Services must be fit for the particular purpose that the consumer made known to the service provider.
- Services must be completed within a reasonable time, if no time frame is agreed upon.
- The price charged must be reasonable, if no price or pricing method is agreed upon beforehand.

If a service fails to meet these standards, the consumer may be entitled to a refund or compensation for any resulting loss.

Additional Consumer Protections

In addition to the CGA, other statutes support consumer rights and fair trading practices:

- 1. Fair Trading Act 1986:** Prohibits misleading and deceptive conduct, false representations, and unfair trading practices. It ensures that businesses operate transparently and do not engage in conduct that may mislead consumers.
- 2. Credit Contracts and Consumer Finance Act 2003 (CCCFA):** Regulates consumer credit contracts to ensure fairness and transparency in lending practices, providing protection from unreasonable interest rates and fees.

Enforcing Consumer Rights

Consumers in New Zealand are encouraged to be aware of their rights under the CGA and to take appropriate action if they believe their rights have been violated. Options include:

- Resolving the issue directly with the business.
- Escalating the complaint to the Disputes Tribunal, a cost-effective forum for resolving small claims.
- Involving the Commerce Commission, which can investigate breaches of consumer law.

Implications for Businesses

Businesses operating in New Zealand must comply with the obligations set out in the CGA and related legislation. Key considerations include.

- **Staff Training:** Employees should be knowledgeable about consumer rights and how to handle complaints.
- **Clear Policies:** Businesses should have policies in place for handling returns, repairs and refunds in compliance with the CGA.
- **Marketing Practices:** Avoid misleading claims or representations about products and services.

Failure to comply with consumer protection laws can lead to penalties, reputational damage, and legal consequences. Therefore, businesses must ensure that their practices align with the law to maintain customer trust and avoid regulatory action.

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11.

Employment & Workplace Safety



New Zealand's employment and health & safety laws are designed to protect workers' rights, promote fair treatment, and ensure safe workplaces. The legal framework combines statutory requirements and common law principles, with the Employment Relations Act 2000 and the Health and Safety at Work Act 2015 serving as key legislations.

Employment Law Framework

The Employment Relations Act 2000 is the cornerstone of New Zealand's employment law, mandating that all parties in employment relationships—employees, employers, and unions must act honestly, openly, and without misleading one another. The Act applies to all employment relationships, including senior and executive roles, but excludes independent contractors—although the courts or Inland Revenue may reclassify certain work arrangements as employment if necessary.

Key Provisions:

- **Written Agreements:** Employment agreements, whether individual or collective (negotiated by unions), must be in writing, and employers must keep signed copies.
- **Good Faith:** Both parties must communicate openly, especially during significant employment changes like redundancies.

Collective Bargaining and Union Rights

Union membership is voluntary, but unions are required for negotiating collective agreements. The right to strike is protected in specific conditions, particularly during collective bargaining.

Resolving Disputes and Personal Grievances

Employees may raise personal grievances (e.g., for unjustified dismissal or discrimination) within 90 days, except in cases of sexual harassment where the timeframe is extended to 12 months. Disputes are often resolved through mediation, but unresolved issues may be taken to the Employment Relations Authority (ERA).

Employment and Health and Safety Laws in New Zealand:

New Zealand employment laws are designed to protect the rights of workers and ensure that they are treated fairly. The key employment laws include:

- **The Holidays Act 2003:**
Provides four weeks of paid annual leave after 12 months of continuous service. Entitles employees to 12 public holidays annually, with time-and-a-half pay for those who work on these days. Offers 10 days of sick leave per year after six months, along with bereavement leave and family violence leave.
- **The Minimum Wage Act 1983:**
Establishes the legal minimum wage, reviewed annually to reflect living costs. It ensures fair compensation and protects low-income workers.
- **The Health and Safety at Work Act 2015:**
Requires employers to ensure a safe and healthy work environment, with a focus on hazard management and accident prevention. Employers must engage with employees on health and safety matters and manage workplace risks. The Act also places responsibilities on manufacturers, suppliers, and installers to ensure the safety of their products and services.
- **The Human Rights Act 1993:**
Prohibits discrimination in employment based on personal characteristics such as age, race, sex, religious belief, or disability. The Act promotes equal employment opportunities and allows the Human Rights Commission to resolve discrimination complaints.

Payroll Tax Obligations

Employers in New Zealand use the Pay As You Earn (PAYE) payroll tax system. Responsibilities include:

- Deducting PAYE from employees' pay.
- KiwiSaver contributions for eligible employees.
- Accident Compensation Corporation (ACC) levies for workplace injury coverage.
- Making other deductions, such as student loan repayments or child support, if required by the IRD.

Accident Compensation Scheme (ACC)

New Zealand's ACC provides comprehensive, no-fault personal injury coverage to residents and visitors. Key aspects include:

- Covers physical injuries incurred in New Zealand, including workplace injuries.
- Non-residents injured while in New Zealand are eligible for accident compensation.
- Restricts legal action for compensatory damages when an injury is covered by ACC.

Employer Obligations under ACC

- Employers fund the scheme through levies based on payroll and industry risk.
- Responsible for covering 80% of an employee's salary for the first week of absence due to a work-related injury.
- Can join the ACC Accredited Employers Programme, allowing them to manage injury claims and potentially reduce costs through Workplace Safety Management Practices.

Health & Safety Legislation

The Health and Safety at Work Act 2015 (HSW Act) is the primary legislation governing workplace safety. It imposes duties on anyone managing a business or undertaking (Person Conducting a Business or Undertaking - PCBU) to ensure, as far as reasonably practicable, that no one's health and safety is compromised by business operations.

1. Duties of a PCBU

- Must identify and manage workplace risks.
- Required to consult with workers on health and safety matters.
- Implement safety measures to prevent accidents and injuries.

2. Penalties for Non-Compliance

- Significant fines apply for breaches, with penalties up to NZD \$3 million for companies.
- Company directors may face personal liability, including fines and imprisonment, for failing to meet their health and safety obligations.

WorkSafe New Zealand is the national regulator, responsible for enforcing the HSW Act and supporting businesses in creating safe work environments.

Practical Implications for Businesses

- **Workplace Policies:** Employers should establish robust health and safety policies, train staff, and regularly review safety procedures.
- **Employment Agreements:** Ensure compliance with statutory requirements for written agreements and employee entitlements.
- **Accident and Injury Management:** Participating in the ACC Accredited Employers Programme can provide greater control over workplace injury claims.
- **Discrimination Prevention:** Implement equal opportunity policies to comply with the Human Rights Act and promote diversity.

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12.

Regulatory Compliance for Business

New Zealand's regulatory environment is designed to ensure that businesses operate transparently, fairly, and with accountability. Companies are subject to various compliance requirements to meet legal standards across financial, operational, and ethical domains. Key areas include anti-money laundering regulations, data protection, environmental standards, and sector-specific licensing.

Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT)

New Zealand's Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (AML/CFT Act) is a critical part of the country's efforts to combat financial crime. It aims to prevent money laundering and the financing of terrorism by requiring certain businesses and professionals to implement robust controls.

1. Reporting Entities: The AML/CFT Act applies to designated "reporting entities", which include:

- Banks and financial institutions
- Casinos
- Law firms and accounting practices
- Real estate agents
- Trust and company service providers

These entities must have systems in place to detect and prevent suspicious financial activities.

2. Compliance Requirements: Reporting entities are required to:

- **Conduct customer due diligence (CDD):** Verify the identity of clients and understand the nature of their business.
- **Monitor transactions:** Detect and report suspicious activity to the authorities.
- **Maintain accurate records:** Keep detailed records of financial transactions and customer information.
- **Submit Suspicious Activity Reports (SARs):** Report unusual or potentially illegal financial activity to the authorities.

3. Role of the Financial Intelligence Unit (FIU): The FIU, a division of the New Zealand Police, is responsible for receiving, analysing, and disseminating information on suspicious financial transactions. The FIU collaborates with other agencies to prevent money laundering and terrorism financing.

Data Protection and Privacy

New Zealand's Privacy Act 2020 governs the collection, use, and storage of personal information. Businesses must comply with the following principles:

- Collect personal information lawfully and transparently.
- Use personal information only for the purposes for which it was collected.
- Ensure the information is accurate, up-to-date, and secure.
- Allow individuals to access and correct their personal data.

Compliance with data protection laws is essential for businesses handling customer or employee information, with breaches potentially leading to significant fines and reputational damage.

Environmental Regulations

New Zealand's Resource Management Act 1991 (RMA) sets out the regulatory framework for environmental protection. Businesses involved in activities that may impact the environment, such as construction, agriculture, or manufacturing, must obtain necessary resource consents and adhere to environmental standards.

The government is progressively implementing new measures to address climate change and sustainability, including a move towards carbon-neutral practices and the introduction of emission trading schemes. Businesses are expected to contribute to New Zealand's environmental goals.

For more detail, refer to *Environment & Resource Management*, page 29.

Sector-Specific Licensing and Compliance


Certain industries in New Zealand are subject to specific licensing and regulatory requirements, including:

- **Financial Services:** Regulated by the Financial Markets Authority (FMA), which oversees financial advisors, brokers, and other financial service providers.
- **Healthcare:** Must comply with regulations set by the Ministry of Health and professional licensing boards.
- **Construction and Real Estate:** Subject to Building Act 2004 and other related laws.


Compliance and Penalties

Non-compliance with regulatory requirements can result in penalties, ranging from fines to revocation of business licenses. For serious breaches, especially in areas like AML/CFT or health and safety, penalties can be substantial, including significant fines and criminal liability for company directors.

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13.

Environment & Resource Management

New Zealand's environmental and resource management framework aims to balance economic development with the protection and sustainability of natural resources. The legal system is primarily governed by the Resource Management Act 1991 (RMA) and the Environmental Protection Authority Act 2011 (EPA Act), which establish standards for the sustainable management of land, water, and air.

Key Environmental Legislation

1. Resource Management Act 1991 (RMA)

The RMA is New Zealand's main piece of environmental legislation, setting out the framework for managing natural and physical resources. It covers a wide range of activities, including:

- Land use and development
- Water management
- Air quality
- Coastal and marine areas

Local government authorities play a central role in implementing the RMA, making decisions through a consultative process that involves public input, engagement with iwi (Māori tribes), and consideration of environmental, cultural, and economic impacts.

2. Environmental Protection Authority (EPA)

The EPA is responsible for enforcing various environmental laws, including:

- **The Hazardous Substances and New Organisms Act 1996:** Regulates the use and release of hazardous substances and genetically modified organisms.
- **The Climate Change Response Act 2002:** Supports New Zealand's commitments to international climate change agreements.

The EPA monitors compliance, provides advice, and works with businesses, government agencies, and the public to promote environmental protection.

Climate Change Legislation and Initiatives

1. Emissions Trading Scheme (ETS)

Introduced in 2008, the Emissions Trading Scheme is New Zealand's primary tool for reducing greenhouse gas emissions. It places a cap on emissions from covered sectors (e.g., energy, industrial processes, and transportation), while allowing for the trade of emissions allowances.

- **Emissions Cap:** Sets a limit on the total amount of greenhouse gases that can be emitted.
- **Allowance Trading:** Entities can sell excess allowances if they emit less than their allocated cap, or purchase allowances if they exceed it.
- **International Linkages:** New Zealand's ETS is linked with other international trading systems, allowing for cross-border trading of emissions units.
- **Monitoring and Compliance:** Entities must report emissions, and the government reviews the scheme periodically to ensure it remains effective.

2. Zero Carbon Act 2019

The Zero Carbon Act establishes a legal framework for New Zealand to achieve net-zero greenhouse gas emissions by 2050. Key components include:

- **Independent Climate Change Commission:** Provides advice, sets emissions budgets, and monitors progress toward emissions targets.
- **Emissions Budgets:** Sector-specific budgets are set to guide reductions in agriculture, energy, and transport.

- **National Adaptation Plan:** Addresses climate risks and outlines measures to protect communities and ecosystems from the impacts of climate change.

Minerals Regime in New Zealand

The Crown Minerals Act 1991 (CMA) regulates the exploration and extraction of petroleum and minerals in New Zealand, with the government retaining ownership of key resources like petroleum, gold, silver, and uranium.

1. Permit Acquisition and Exploration Rights

- **Permits:** Obtained through an annual Block Offer process, granting exclusive rights to explore or extract minerals within a designated area.
- **Exploration vs. Mining Permits:** Exploration permits can last up to 15 years, but separate mining permits are required for resource extraction.

2. Environmental and Community Engagement

- Permits are granted based on stringent health, safety, and environmental standards.
- There is an obligation for permit applicants to engage with iwi to ensure indigenous rights and interests are respected.
- The recent CMA amendments focus on ensuring that decommissioning of petroleum infrastructure meets high environmental standards.

3. Financial Returns and Government Oversight

- The government collects royalties from mining activities, with additional revenue generated from permit fees.
- All transfers of permit interests require approval from New Zealand Petroleum & Minerals, ensuring compliance with national standards.

Compliance with Environmental Standards

Businesses operating in New Zealand must meet various environmental compliance obligations, which may involve:

- **Resource Consents:** Required for activities with potential environmental impacts (e.g., large-scale construction, agricultural discharges).
- **Environmental Impact Assessments:** Necessary for significant projects, evaluating the potential effects on ecosystems, landscapes, and communities.

Practical Steps for Compliance

Businesses can ensure environmental compliance by:

- Understanding the RMA requirements and consulting with local councils on the need for resource consents.

- Engaging with local iwi and communities early in the planning process.
- Implementing sustainability practices to meet climate change obligations and take advantage of incentives for low-carbon development.



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Buying & Developing Property

New Zealand's real estate market operates under a well-established legal framework that ensures transparency and protects property rights. The system is primarily based on the Torrens land registration system, which guarantees the authenticity of property titles and provides a centralised registry accessible to the public.

Land Registration and Title System

All land parcels in New Zealand are registered under the Torrens system, with titles held electronically. This system ensures that title details—such as ownership, location, dimensions, and any encumbrances—are up-to-date. Legal instruments like transfers and encumbrances are recorded in real-time, offering confidence in real estate transactions. Under New Zealand law, land includes any attached buildings or permanent improvements unless explicitly excluded in a sale agreement.

Types of Land Interests

New Zealand law recognises several types of property interests:

- 1. Freehold Title:** The most common form, giving complete ownership rights to the land.
- 2. Leasehold Title:** Involves leasing the land rather than owning it outright, requiring careful review of lease terms.
- 3. Unit Title:** Used for apartments or townhouses, where ownership is limited to a defined part of a building. Owners become part of a body corporate that manages common areas.
- 4. Cross-Lease:** A hybrid structure where multiple owners share the lease of the land.
- 5. Māori Land Rights:** Includes specific legal protections and regulations under the Te Ture Whenua Māori Act.

Purchasing Land for Overseas Investor

Foreign investors must follow specific regulations, especially under the Overseas Investment Act. Non-residents (except Australians and Singaporeans) need consent to purchase sensitive land or properties over NZD \$100 million.

Sale agreements must be in writing and often include conditions for due diligence, inspections, and financing.

Due diligence typically involves verifying title restrictions, seismic ratings, and ensuring Code Compliance Certificates (CCC) for recent building work. Following the Christchurch earthquakes, seismic standards are stricter, with buildings below 34% of the New Building Standards (NBS) considered earthquake-prone.

Taxation on Property Transactions

Residential property sales may be subject to a 10-year Bright-Line Test, which taxes gains on properties sold within that timeframe unless exemptions, such as the main home, apply. Additionally, gains from land acquired by developers, builders, or dealers are taxed based on the intent and duration of ownership.

Building and Construction Regulations

Construction activities are governed by the Building Act 2004, which ensures safety, compliance, and quality. New buildings or major alterations require building consents from the local council, and a Code Compliance Certificate (CCC) confirms the work adheres to approved plans. Commercial properties require an annual Building Warrant of Fitness (BWF) to certify systems like fire safety meet standards. Seismic strengthening is mandatory for earthquake-prone buildings (those rated below 34% NBS), and heritage properties may require additional restoration efforts.

Environmental and Mineral Regulations

The Zero Carbon Act and Emissions Trading Scheme (ETS) may influence property development through energy efficiency and carbon reporting requirements.

For projects involving resource extraction, the Crown Minerals Act 1991 regulates access to petroleum and minerals, with permits required for exploration or mining. Community engagement, particularly with local iwi, is crucial for securing these permits.

Māori Land Claims





The Treaty of Waitangi Act 1975 addresses land claims by Māori, generally applying to government-owned land. Privately owned land is rarely subject to claims unless explicitly endorsed through legal processes.

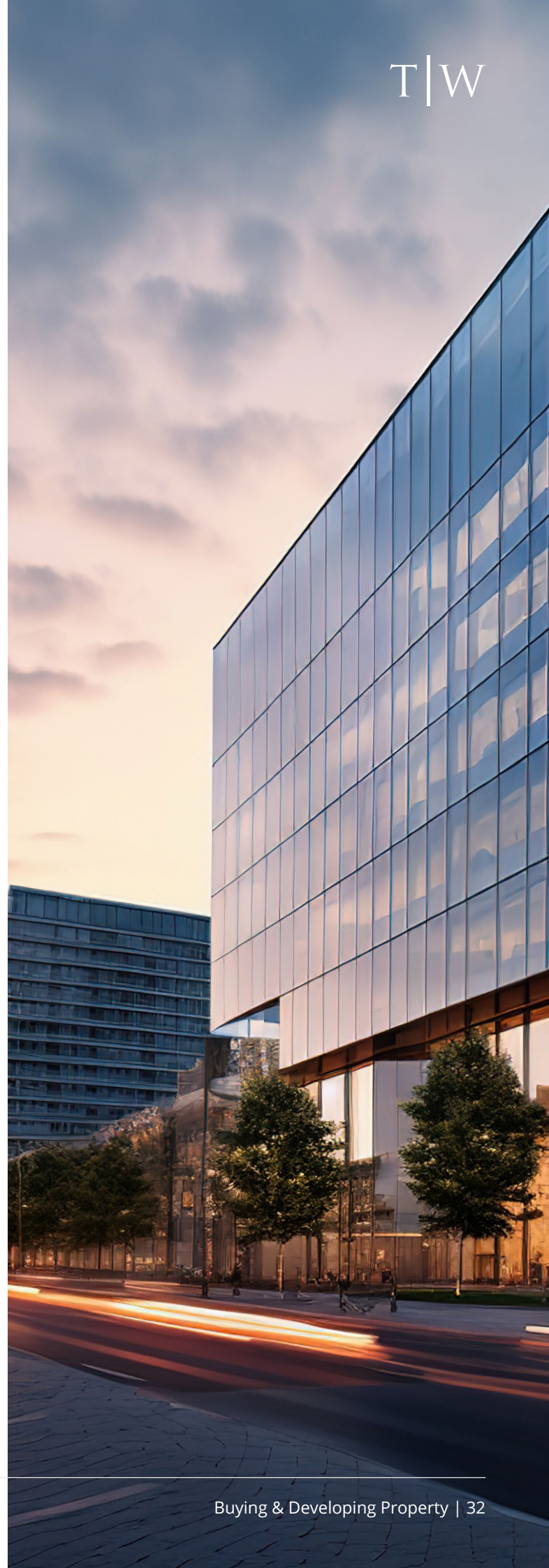
Practical Steps for Investors

Investors are advised to seek professional guidance from legal experts, architects, and engineers to navigate New Zealand's property laws and compliance requirements. Understanding local council regulations and environmental considerations is crucial for successful real estate transactions and development.

Tompkins Wake offers comprehensive support to help clients confidently engage in property transactions, ensuring seamless navigation of New Zealand's land registration system and development regulations.

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15.

Business Insolvency & Restructuring

New Zealand's insolvency framework provides structured mechanisms to manage financial distress for businesses and individuals, ensuring a balanced approach that protects the interests of all stakeholders, including creditors, shareholders, and the wider economy. The system offers various procedures to either rehabilitate financially distressed companies or facilitate an orderly winding-up when recovery is not feasible.

Company Insolvency Procedures

There are several key procedures for companies facing insolvency:

- **Voluntary Administration**

This procedure aims to either rescue the company or achieve a better outcome for creditors than liquidation. An administrator is appointed to take over management and formulate a rescue plan. During a moratorium period (usually five weeks but extendable), legal actions and repossessions are suspended. Creditors then vote on the proposed rescue plan, which could involve restructuring or liquidation.

- **Receivership**

Initiated typically by secured creditors, receivership involves the appointment of a receiver to take control of the company's assets. The receiver's primary role is to realise assets to repay secured debts, operate the business if necessary for better asset realisation, and consider the interests of other stakeholders while prioritising secured creditors.

- **Liquidation**

Liquidation involves winding up the company by selling assets and distributing the proceeds to creditors. It can be initiated voluntarily by directors or shareholders or compulsorily by creditors or a court order. A liquidator is appointed to oversee this process, close the business, and distribute remaining assets.

- **Creditors' Compromise**

This is an informal debt restructuring process where the company negotiates an agreement with creditors to

reschedule debt repayments or reduce the amount owed. If approved by the majority of creditors, the compromise binds all affected parties, offering flexibility outside formal insolvency procedures.

Personal Insolvency: Bankruptcy

Bankruptcy in New Zealand is governed by the Insolvency Act 2006, which manages the insolvency of individuals. Key aspects include:

- Control of the bankrupt's assets is transferred to an Official Assignee, who oversees the sale of assets to repay creditors.
- Bankruptcy restricts the individual's ability to manage businesses and may involve the recovery of assets transferred before bankruptcy.

Security Interests: Personal Property Securities Act (PPSA)

The Personal Property Securities Act 1999 (PPSA) regulates security interests in personal property, ensuring clarity around priority and enforcement. It includes:

- A registration system for secured parties to record their interests, establishing priority over other claims in case of debtor default.
- The system applies to a wide range of security interests, including traditional liens and modern financial instruments like floating charges.

Regulation of Insolvency Practitioners

Insolvency practitioners in New Zealand must be licensed and registered under the Insolvency Practitioners Regulation Act 2019, which ensures:

- Practitioners meet stringent qualification criteria and maintain professional standards.
- High levels of integrity and competence in managing insolvency cases, providing confidence to stakeholders.


Ensuring Compliance and Best Practice

Understanding New Zealand's comprehensive insolvency and restructuring procedures is crucial for both overseas investors and local businesses. Key benefits include:


- Informed decision-making during financial distress, with options for restructuring or winding down.
- Structured pathways that provide clear processes for rescuing distressed entities or liquidating assets to maximise returns for creditors.
- A framework that minimises adverse impacts on all parties and maintains business confidence.

New Zealand's insolvency regime ensures that companies in distress can pursue restructuring options or, when necessary, undertake an orderly liquidation, promoting financial stability and protecting the interests of creditors, shareholders, and employees.


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16.

Resolving Legal Disputes

New Zealand's dispute resolution framework combines a well-established common law system with structured court hierarchies and robust mechanisms for both litigation and Alternative Dispute Resolution (ADR). This comprehensive approach ensures fairness, accessibility, and efficiency, accommodating both domestic and international disputes.

Legal and Judicial System

New Zealand's legal system, influenced by English law, features a single legal profession where practitioners can act as both barristers and solicitors. The system is characterised by strong judicial independence, with judges appointed by the Governor-General on the advice of the Attorney-General. Judicial appointments are typically open-ended to emphasise stability and impartiality.

Court Hierarchy

The court structure in New Zealand ranges from lower courts handling minor matters to higher courts that address significant legal issues:

1. District Court

- Handles most criminal prosecutions and civil cases involving disputes up to NZD \$350,000.
- Acts as the court of first instance for various matters, including family and youth cases.

2. High Court

- Deals with more significant civil cases where claims exceed NZD \$350,000.
- Has exclusive jurisdiction over certain matters and hears appeals from the District Court.

3. Court of Appeal

- Serves as the intermediate appellate court, hearing appeals from the High Court and some lower tribunals.
- Most cases conclude at this level unless leave is granted to appeal further.

4. Supreme Court

- The highest court in New Zealand, focusing on cases of national significance, substantial miscarriages of justice, or important legal interpretations.
- Appeals to the Supreme Court require leave and are not granted for mere error correction.

Specialist Courts and Tribunals

In addition to the general courts, New Zealand has several specialist courts and tribunals that handle specific legal areas, including:

- Employment Relations Authority and Employment Court for employment-related disputes.
- Environment Court for matters related to the Resource Management Act.
- Taxation Review Authority for tax disputes.
- Family Court for family law matters, including child custody and divorce.

These specialised bodies ensure that disputes in particular areas are resolved by experts familiar with the relevant laws.

Alternative Dispute Resolution (ADR)

ADR is a vital part of New Zealand's dispute resolution landscape, offering flexible and less formal methods for resolving disputes.

1. Mediation

- Involves an impartial mediator who facilitates negotiations between parties to help them reach a mutually acceptable settlement.

- Agreements reached through mediation can be made binding if all parties consent.

2. Arbitration

- Governed by the Arbitration Act 1996, which aligns with the UNCITRAL Model Law on International Commercial Arbitration.
- Arbitration is confidential, with parties choosing arbitrators and procedural rules.
- Courts support the arbitration process, including the enforcement of arbitral awards, and intervening only in limited circumstances.

3. Judicial Settlement Conferences

- Often mandatory in civil cases within the District Court, these conferences encourage settlement before proceeding to trial.
- Facilitated by a judge, they provide a platform for parties to discuss the case and explore settlement options.

Enforcement of Arbitral Awards

New Zealand is a signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), which ensures that:

- Arbitral awards made in New Zealand can be enforced in other signatory countries.
- Foreign arbitral awards can similarly be enforced in New Zealand, enhancing the country's reputation as an arbitration-friendly jurisdiction.

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216 Days

The average time to resolve a commercial dispute in New Zealand—significantly faster than the OECD high-income average of 590 days.

17.

Intellectual Property

New Zealand's intellectual property (IP) laws protect the rights of creators and innovators, aligning with international standards through agreements such as the TRIPS Agreement and obligations under the World Trade Organisation. The legal framework covers copyright, patents, trademarks, registered designs, and other forms of IP.

Principal Statutes

The primary statutes governing IP in New Zealand are:

- Copyright Act 1994
- Patents Act 2013
- Trade Marks Act 2002
- Designs Act 1953

These laws offer protections that are comparable to those in other developed countries, ensuring a robust system for safeguarding creative and technological innovations.

Copyright

The Copyright Act 1994 grants creators exclusive rights over their works, allowing them to:

- Reproduce and distribute the work.
- Publicly perform, show, or communicate the work.
- Create adaptations of the work.
- Authorise any of the above activities.

Protected Works: Copyright covers various forms, including literary, dramatic, musical, and artistic works, as well as sound recordings, films, and broadcasts.

Originality Requirement: Works must be original to qualify for protection. As a signatory to the Berne Convention, New Zealand does not require registration for copyright protection, which begins automatically upon creation.

Duration of Copyright

- Literary, dramatic, musical, and artistic works: Life of the author plus 50 years.

- Films, sound recordings, and broadcasts: 50 years.
- Typographical arrangements: 50 years.
- Industrially applied artistic works: 16 years, or 25 years for works of artistic craftsmanship.
- Moral Rights: Creators have rights to be recognised as the author and to prevent derogatory treatment of their works. These rights cannot be transferred.

Patents

The Patents Act 2013 grants inventors the right to control the use of their inventions, with protection lasting for 20 years from the filing date.

1. Patent Requirements:

- **Novelty:** The invention must be new.
- **Inventive Step:** It must not be obvious to a skilled person in the field.

2. Exclusions:

- Methods of medical treatment for humans.
- Diagnostic methods on humans.
- Inventions against public order or morality.

3. Software and Pharmaceuticals:

- Embedded software that is integral to a technological innovation can be patented.
- Pharmaceuticals: Swiss-type claims (use of known substances for new medical treatments) are recognised.

4. Challenging Patents:

- Re-examination and opposition procedures allow third parties to challenge the validity of a patent.

Registered Designs

The Designs Act 1953 protects new and original industrial designs that have visual appeal, such as shapes, patterns, or ornamentation.

1. **Duration of Protection:** Registered designs are protected for an initial five-year period, with the option to renew twice for additional five-year periods.
2. **Interaction with Copyright:** While copyright protects artistic works, registered design protection offers distinct legal advantages for enforcement and commercialisation.

Trade Marks

Under the Trade Marks Act 2002, trade marks provide exclusive rights to use a mark in connection with registered goods or services.

1. Registration and Rights:

- Trademarks can be registered for distinctive words, logos, symbols, or combinations that identify goods or services.
- Owners can control the use of the trade mark and prevent others from using confusingly similar marks.

2. Advertising and Dilution:

- Comparative advertising using registered trade marks is allowed if it does not unfairly damage the reputation of the mark.
- Anti-dilution provisions protect well-known trade marks from being used on unrelated goods or services.

3. Māori Symbols and Cultural Sensitivity:

- Trade marks incorporating Māori language or symbols are reviewed by a special committee to ensure cultural appropriateness.

4. International Registrations:

- The Madrid Protocol allows for the international registration of trade marks through a single application, facilitating global protection.

Domain Names

1. Registration and Protection:

- Domain names, particularly regional ones like “.co.nz” or “.govt.nz” (restricted to Government use) can be registered in New Zealand. The courts have acted against cybersquatting in certain cases to protect businesses.

2. Dispute Resolution:

- The Domain Name Commission offers a dispute resolution service for conflicts over domain name registrations.

Company Names vs. Trade Marks

In New Zealand, registering a company name does not automatically confer the right to use it as a trade mark. Businesses should ensure that their company name does not infringe on existing trade marks to avoid legal conflicts.

Practical Steps for Protecting IP

1. Register Trade Marks and Patents:

- Registering IP rights provides legal protection and strengthens the ability to enforce them.

2. Conduct IP Audits:

- Regular audits help identify valuable IP assets and assess whether they are adequately protected.

3. Utilise Licensing Agreements:

- Licensing allows for commercialisation of IP while retaining ownership.

4. Engage IP Professionals:

- Specialist advice can help navigate complex IP laws and procedures, especially when dealing with international protection.

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18.

Family Law

Navigating family law in New Zealand involves understanding the specific legal frameworks that apply to familial matters such as care of children, separation, and the division of property. The law is designed to protect the rights and responsibilities of all parties, with a particular focus on the welfare of children.

Care of Children

The Care of Children Act 2004 governs arrangements for day-to-day care and contact when parents separate, with the welfare of the child being the top priority. The law encourages maintaining relationships with both parents, often resulting in joint or shared care, depending on the child's needs.

- **International Considerations:** For overseas persons, moving children abroad or arranging international contact requires adherence to legal procedures, including compliance with international treaties like the Hague Convention on International Child Abduction.

Hague Convention on International Child Abduction

New Zealand is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction, which provides a legal mechanism for the prompt return of children wrongfully removed from or retained outside their country of habitual residence. This international treaty aims to protect children from the harmful effects of abduction by a parent or guardian and restore them to the jurisdiction most suited to determine their best interests.

In New Zealand, the Family Court is responsible for handling Hague Convention cases, and strict procedural timelines apply to ensure swift resolution. For families considering international relocation or facing cross-border custody disputes, understanding the legal obligations imposed by the Hague Convention is crucial, especially in situations where abduction may be a concern.

Separation and Divorce

In New Zealand, separation occurs when a couple decides to live apart.

There are some key considerations:

- **Separation Requirements:** Couples can separate informally, but must be separated for at least two years before applying for a dissolution of marriage (divorce). If uncontested, the process is straightforward and managed through the Family Court.
- **Impact on Residency:** For overseas persons, it is important to consider the potential impact on immigration status, especially if residency is based on a relationship with a New Zealand citizen or resident.

Division of Property

The Property (Relationships) Act 1976 governs the equal sharing of relationship property, which typically includes the family home, chattels, and assets acquired during the relationship. In certain cases, unequal division may occur if one partner has made a significantly greater contribution to the relationship.

For overseas persons, dividing property can be more complex, especially when dealing with international assets. Expert legal advice is essential to ensure compliance with both New Zealand and foreign laws, safeguarding a fair and legally sound division.

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19.

Immigration



New Zealand is renowned as one of the world's most desirable countries to live, work, and raise a family. With its high quality of life, stable economy, and natural beauty, it's an appealing destination for investors looking to establish their lives and businesses in a vibrant and welcoming environment.

Navigating New Zealand's Immigration Law

New Zealand's immigration system is robust, governed by strict laws to ensure that those who move here contribute positively to the economy and society. The country offers a range of pathways to residency, making it an appealing destination for investors, entrepreneurs, and high-net-worth individuals seeking new opportunities in a stable and prosperous environment.

New Zealand's immigration system is underpinned by key principles of economic contribution, skills development, and family unity. For investors, the primary goal is to create value through capital injection, business expansion, or job creation, with clear benefits for the broader economy. Additionally, the country offers robust protection for family members, ensuring that individuals can relocate with their families under various visa categories.

Whether you are a high-net-worth individual looking to invest in New Zealand, a business owner seeking to bring international talent into the country, or an investor relocating with your family, we can guide you through every step of the immigration process.

Pathways for Investors

Active Investor Plus Visa

This visa is designed for investors willing to commit substantial funds to New Zealand's economy. Key requirements include:

- **Investment Amount:** A minimum of NZD \$15 million or the weighted equivalent in acceptable investments.
- **Investment Period:** Funds must be invested in New Zealand for at least 48 months.

- **Acceptable Investments:** Investments can include direct investments in New Zealand businesses, managed funds, listed equities, and philanthropic causes. Each investment type has specific criteria and weightings.
- **Residence Requirements:** Investors are required to spend at least 117 days in New Zealand over the four-year investment period.
- **English Language Proficiency:** Applicants must demonstrate a competent level of English.
- **Health and Character:** Standard health and character requirements apply.

Entrepreneur Work Visa

- **Capital Investment:** A minimum of NZD \$100,000 is typically required. However, this requirement may be waived for businesses in science, ICT, or other high-value export sectors that demonstrate a high level of innovation or credible short-term growth prospects.
- **Business Plan:** Applicants must provide a detailed business plan outlining the proposed venture and its potential economic benefits to New Zealand.
- **Points System:** A minimum of 120 points is required, assessed on factors such as age, business experience, investment capital, and the projected benefits of the business to New Zealand.
- **Health, Character, and English Language:** Applicants must meet standard health and character requirements and demonstrate proficiency in English.

Entrepreneur Work Visa

This visa allows for a total stay of up to three years, divided into a 12-month start-up phase and a 24-month balance phase, contingent upon the successful establishment of the business.

Global Impact Visa

For investors focused on innovation and entrepreneurship, this visa is part of New Zealand's Global Impact Visa programme, designed to attract visionary entrepreneurs and investors who will contribute to creating impactful global solutions.

Family-Based Immigration

New Zealand offers pathways for investors to bring their families. Investor and Entrepreneur visas often allow for family members to join the principal applicant in New Zealand. Additionally, Family-based residency applications allow partners, children, and dependent relatives to apply for visas, ensuring that families can settle together in New Zealand.

Resources

Key resources include:

- [Immigration New Zealand](#)
 - [Visa Application Guides](#)
 - [Visa Processing Times](#)

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