



6 June 2023

Ref: DOIA 2223-2645

Karyn Martyn

Email: fyi-request-22807-39c2e4fe@requests.fyi.org.nz

Dear Ms Martyn

Request for information pursuant to the Official Information Act 1982

1. I refer to your email of 15 May 2023, seeking information from the Ministry of Business, Innovation and Employment (**MBIE**) pursuant to the Official Information Act 1982 (**the OIA**).
2. You requested (verbatim):
"I would be grateful for any information you can provide me about any breaches of CA93 sections 107, 122 and 160."
3. Your request has been forwarded to me as I am responsible for MBIE's Integrity and Enforcement Team (**IET**), who undertake investigations on behalf of the Registrar of Companies (**Registrar**) where breaches of the Companies Act 1993 (**the Act**) have been identified.
4. IET only undertakes investigations of offences that have a legislated criminal penalty. However, this limitation does not impair individuals from commencing their own legal action in regard to offences that have no penalty explicitly stated.
5. Instead, an individual can commence action through civil means. These types of action are not pursued on behalf of the Registrar.
6. In respect of **s 107** of the Act, which sets out the provisions of **Unanimous assents to certain types of action**, no complaints of this type have been received by IET.
7. In respect of **s 122** of the Act, which sets out the provisions of **Resolution in lieu of meeting**, no complaints of this type have been received by IET.
8. Lastly, in respect of **s 160** of the Act, **Proceedings of board**, there is no criminal penalty for this specific part of the Act. As set out in paragraph 4, IET only undertakes investigations of offences that have a legislated criminal penalty.
9. No complaints of breaches of s 160 have been reported to IET.
10. On this basis your request is refused pursuant to s 18(e) of the OIA on the ground **that the document alleged to contain the information requested does not exist.**

11. You have a right under section 28(3) of the OIA to seek an investigation and review of this response by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,

A handwritten signature in blue ink that reads "Vanessa Cook". The signature is cursive and fluid.

Vanessa Cook
Manager Integrity and Enforcement
Market Integrity