

Reference: 20240751



24 October 2024

Dear [REDACTED]

Thank you for your Official Information Act request, received on 26 September 2024 as a transfer from the Ministry of Foreign Affairs & Trade. You requested the following:

*In 2008 the Permanent Representative of New Zealand to the United Nations submitted the 'Annual Report of HER MAJESTY THE QUEEN IN RIGHT OF NEW ZEALAND' to the United States Securities and Exchange Commission.*

*May I be supplied with any documents the Ministry holds in relation to the establishment of and the reason for that Corporation being registered in the United States.*

The Constitution Act 1986 is the principal formal statement of New Zealand's constitutional arrangements. It recognises that the Queen (or King), as the Sovereign in right of New Zealand, is the head of State of New Zealand.

The phrase 'Her Majesty the Queen in right of New Zealand' does not refer to a corporation registered in the United States. Instead, it is a phrase that may be used in a number of contexts to reflect the concept that central government in New Zealand is carried out in the Sovereign's name and on their behalf. For example, Government financial instruments, such as bonds, are issued under the name 'the Sovereign in right of New Zealand.' Prior to the Queen's passing, these instruments were issued under the name of 'Her Majesty the Queen in right of New Zealand' to signify that sovereign government functions are performed under the authority of the Crown. 'The Crown' in this context has the same meaning as 'the State'.

According to the United States Securities and Exchange Commission website, the Crown made three separate filings during 2008, each relating to the annual report for the fiscal year ended 30 June 2007. The information filed included the Financial Statements of the Government of New Zealand for the Twelve Months ended June 30, 2007, the Financial Statements of the Government of New Zealand for the year ended June 30, 2008, Half Year Economic & Fiscal Update 2007, a Pre-election Economic and Fiscal Update 2008, the Budget Policy Statement 2008, etc.

The reason the Crown made these filings in 2008 was that it had US\$150m Bonds registered on the New York Stock Exchange. These bonds matured on 15 January 2011.

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For further information you can view the Constitution Act online here:  
<https://www.legislation.govt.nz/act/public/1986/0114/latest/DLM94204.html>

Further information about the role of the Sovereign and their representative in New Zealand, the Governor-General, can be found on the website of the Governor-General:  
<http://www.gg.govt.nz/>.

### **Official Information Act request refusal**

As 'Her Majesty the Queen in right of New Zealand' is not a corporation registered in the United States, no information exists that we could provide you that would satisfy your Official Information Act request. Accordingly, we have refused your request under section 18(e) of the Official Information Act - the information requested does not exist or, despite reasonable efforts to locate it, cannot be found. Despite this refusal, we hope you find the above information useful.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Paxton McKenzie  
**Head of Funding, Investments and Markets**