

10 November 2020

S. Rowe

By email: [fyi-request-13956-8e736e7a@requests.fyi.org.nz](mailto:fyi-request-13956-8e736e7a@requests.fyi.org.nz)

Dear Requestor,

### **Request for information**

We refer to your Official Information Act 1982 (**OIA**) email request received on 12 October 2020 requesting the following information:

- 1) *For each of the Southern Response directors, Alister James, Bevan Killick, Anne Urlwin, and the minister for Southern Response Grant Robertson, please provide the following information.*
  - a) *When were each first informed there was an ethics complaint?*
  - b) *What updates were each given about the ethics complaint?*
  - c) *Which of these individuals recommended any actions regarding the complaint, the policyholders, or the way the claim was being handled, and what are the details of those recommendations?*
- 2) *Was denying the policyholders the ability to make complaints something that was recommended by the law firm that Southern Response paid to advise on their submission to the IFSO Scheme?*
- 3) *Did Southern Response consider that remaining a member of ICNZ would be appropriate given that it may again handle claims directly instead of through EQC?*
- 4) *When did Southern Response make the decision to stop being a member of ICNZ?*
- 5) *When did Southern Response inform ICNZ that it would stop being a member?*
- 6) *Were the EQC staff given a mandate to forward questions to Southern Response?*
- 7) *Was that mandate related specifically to this claim or additional claims?*
- 8) *What was the reasoning for Southern Response considering that a conversation it had with EQC about the “the role of EQC Settlement Specialist” is considered legal privilege and has been redacted in Privacy Act requests?*
- 9) *What formal arrangement does Southern Response have with EQC to act as its legal advisor?*
- 10) *Are Alister George James, Bevan Edward Killick, Anne June Urlwin, and Grant Murray Robertson aware that Southern Response is providing legal counsel to EQC on a claim that Southern Response has been found to have committed significant ethical violations?*

11) *Has Southern Response requested that all claims be reallocated because there is a lack of continuity and familiarity with EQC handling the claims?*

12) *Did EQC express interest to Southern Response to reallocate this claim back to Southern Response?*

13) *As the Ombudsman Act 1975 does not apply to Southern Response, but does to the Earthquake Commission, did Southern Response reallocate the claim to prevent the policyholders from seeking intervention from the New Zealand Ombudsman? (Noting that this request was subsequently withdrawn on 28 October 2020)*

14) *Did Southern Response consider that instead of needing “extensive experience as an insurance law practitioner” that it could instead just stop acting in a way that breached the code of ethics it agreed to uphold?*

15) *Has Southern Response been working with the IFSO Scheme’s Ombudsman to prevent the complaint filed before Southern Response left ICNZ from making its way to ICNZ?*

## Response to your request

We have responded informally to your request on four occasions (14 October, 20 October, 29 October and 4 November) to request that you contact us directly to discuss whether you meet the eligibility requirements in section 12 of the Official Information Act and the supporting evidence you may be able to provide.

As you have not contacted us to provide proof of your eligibility to request information we are not able to accept this as a valid OIA request.

## Your rights

Please feel free to contact us if you have any concerns about this response. You also have the right to contact the Ombudsman about this response. To do so, you can visit their website - <http://www.ombudsman.parliament.nz/>

Yours sincerely



Casey Hurren  
General Manager