

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

Minister Responsible for Ministerial Services

Associate Minister for Arts, Culture and Heritage



20 DEC 2022

"Canterbury Victim"
fyi-request-21218-ad1bfb2c@requests.fyi.org.nz

Ref: PMO 2022-368

Tēnā koe

Official Information Act request about the knowledge of potential criminal activity by government employees

Thank you for your Official Information Act 1982 (OIA) request of 25 November 2022.

You have requested:

"I am making requests for official information. These requests are being made on the grounds of public interest in relation to the matters of transparency; participation; accountability; administration of justice; health, safety and the environment.

Please note that the requests are not just for documents, but also information. As such with regards to the Office of the Ombudsman guidance document "The OIA for Ministers and Agencies" these requests for official information include "information held in the memory of" the Minister addressed and only the Minister addressed, not the staff of the office of the Minister. As such unless there is a document which provides the information requested, the Minister must be questioned to provide the held information from their memory. No sections of this request can be denied based on Section 18(e) unless they are also denied on Section 18(g).

Each of the points below is an individual request for official information. If any of the responses need to be extended that should not impact delivery of responses for those that do not require an extension. Any decision to extend a deadline should be accompanied with a Section 22 response.

Any information that is denied should be accompanied with a Section 22 response providing the reasons for the decision to deny the information. These should include the dates and times that the Minister was questioned about their memory of the official information.

As per the Office of the Ombudsman guidance a clarification requested will only reset the deadline for the individual requests where a clarification is provided, the remainder of the requests for official information in this communication will have the original deadline remain.

Further in relation to the Office of the Ombudsman guidance "The

agency's primary legal obligation is to notify the requester of the decision on the request 'as soon as reasonably practicable'. The reference to 20 working days is not the de facto goal but the absolute maximum (unless it is extended appropriately)." If the notification does happen on the last day of the 20 working day deadline please provide a Section 22 response as to why the decision was made that it was not 'reasonably practicable' to provide the decision sooner.

I am not providing a Privacy Waiver, and so any response to these requests for official information should have my personal information redacted.

These requests will make reference to official information held within the document located at

https://docs.google.com/document/d/1I3KNjKqKsVjY_WcfihcAWEtF9lYQmiZkYFWqplt0nY/edit Despite their being other Ministers that may have official information with regards to the content of that document, this request for official information is about official information held by the Minister addressed and therefore should not be transferred and instead be denied if the information is not held by the addressed Minister.

1. When did the Minister first become aware of the document that exists at

https://docs.google.com/document/d/1I3KNjKqKsVjY_WcfihcAWEtF9lYQmiZkYFWqplt0nY/edit? If there does not exist a document with this information, then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of the document before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

2. The linked document includes official information where government employees at Southern Response have been altering documents and instructing others to alter documents they did not author in order to create a false representation of facts and timelines where those documents were then used to cause loss by deception. When did the Minister first become aware of these or similar events? If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

3. The linked document includes official information where Southern Response employees conspired with a Consent Team Leader at Christchurch City Council to get agreement that a building consent would be granted despite the repair methodology did not match the submitted technical documents, was in violation of the MBIE repair guidance, and ultimately would result in a house repair that they knew had not been approved as meeting the Building Code. When did the Minister first become aware of these or similar events? This question is not limited to the example given in the linked document and can relate to any instance

of this deceptive behaviour. If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

4. The linked document includes information regarding Southern Response committing a significant breach of the Fair Insurance Code (the accepted New Zealand Code of Ethics for the Insurance Industry) so significantly that the behaviour of the involved government employees would bring the entirety of the New Zealand Insurance Industry into disrepute. When did the Minister first become aware that government employees were responsible for the first ever unresolved significant breach of the Fair Insurance Code being referred to the Insurance Council of New Zealand? If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

5. The linked document includes information regarding the Dispute Resolution Scheme (regulated by the Financial Service Providers (Registration and Dispute Resolution) Act 2008) specifically not addressing matters of dishonesty in their assessment of behaviour of the government staff despite finding that Southern Response significantly breached the Fair Insurance Code. When did the Minister first become aware that the Dispute Resolution Scheme declined to consider dishonesty, when specifically asked to address matters of dishonesty in the details of the complaint, when assessing violations of the insurance industry Code of Ethics? This question is not limited to the example given in the linked document and can relate to any instance of this behaviour. If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

6. The linked document includes official information regarding the Insurance Council of New Zealand (ICNZ) communicating with the CEO of Southern Response stating that the complaint of the behaviour of Southern Response had been heard at their last meeting despite us being told that it would not be heard at that meeting; and that had ICNZ not forced us to go through the Dispute Resolution Scheme that ICNZ would have found Southern Response in violation of the Code at that meeting, but instead ICNZ delayed the complaint of two cancer patients to allow Southern Response to be better prepared should the Dispute Resolution Scheme refer the complaint back to ICNZ. Southern Response then went on to utilise the law firm where a former partner, and consultant of that law firm is a sitting member of the ICNZ committee that assessed Southern Response's behaviour. When did the Minister first become aware of these events? If there does not exist a document

with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

7. The linked document includes information regarding the Dispute Resolution Scheme finding that the Significant Breach of the Fair Insurance Code was unresolved despite the apology and ex gratia payment, but the Insurance Council of New Zealand (ICNZ) stating that the complaint was resolved by the apology and ex gratia payment. This is despite direct communication between Southern Response and ICNZ where Anthony Honeybone states that the apology was not sincere and instead was simply easier than telling me how I was wrong about Southern Response's behaviour. The linked document also addresses all parts of the Southern Response apology with official information to show that it was not sincere. When did the Minister first become aware of these events? If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

8. The linked document includes information regarding government employees setting a one week deadline for me after I told them I was in hospital and needed to reduce stress. The deadline required me to provide engineering information because they would not accept their own engineering advice that their desired repair methodology was inappropriate. These actions have been described by the New Zealand Police as "seems inappropriate and appears to be taking advantage of your medical circumstances". When did the Minister first become aware of these events? If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming aware of such events before receiving this request for official information, then the date the Minister was asked to recall their memory will fulfil the request.

9. Please provide the dates for each of these connected events if they happened with the Minister all for a single official information requestor within the last 6 months:

- a. The Minister denied the existence of official information based on section 18(e)
- b. The requestor provided evidence that documents do exist with the requested information
- c. The Minister then stated that it was already known the documents existed, but that there was a desire to not provide the documents because they contain discussions that are too "full and frank" to be made public
- d. The Minister then denied the request again based instead on 9(2)(ba)

If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the

Minister has no recollection of becoming aware of such events before receiving this request for official information, then please deny this request based on Section 18(e) and 18(g).

10. If request 9 is not denied then please provide the date at which the Minister was first informed that there was belief that those engaged with the Minister in the "full and frank" conversations may be committing crimes. If there does not exist a document with this information then an approximate date from the Minister's memory will fulfil the request. If the Minister has no recollection of becoming informed of criminal behaviour then please deny this request based on Section 18(e) and 18(g).

As I have a significant amount of additional information to make public in relation to these matters and an unknown number of request and response cycles in order to allow the matters of public interest to be adequately addressed, I would appreciate it if these requests were addressed as a matter of urgency."

This Office notes you have asked that your request be limited to "information held in the memory of" the Minister addressed and only the Minister addressed, not the staff of the office of the Minister".

In your request, you made references to an online document that contains reiterations and/or communications from previous requests made under the OIA and the Privacy Act 2020. You also referred to "official information held within" an online document. While that online document may contain excerpts to those requests, the document itself cannot be considered official information as it is not written or commissioned by the New Zealand Government.

Please note that the Prime Minister is not the Responsible Minister for the Earthquake Commission (EQC), and is unable to respond to matters relating to that portfolio. As set out in my previous advice (ref: PMO 2022-359; PMO 2022-325), I continue to encourage you to get in touch with the Minister Responsible for the Earthquake Commission, Hon Dr David Clark should you have any further questions about the insurance claims arising out of the Canterbury earthquakes.

The Prime Minister delegates responding to requests for official information to her Chief of Staff. As such, the Prime Minister is not aware of the existence of the online document referred to in Part One of your request. It therefore follows that the Prime Minister is not aware of the events referred to in Parts Two to Eight of your request.

The scenario you referred to in Part Nine of your request has not happened to the OIA request this Office has responded to in the last six months. As such, I am refusing Part Nine under section 18(g) of the OIA, as the information you have requested is not held, and there are no grounds for believing it is held by another department or Minister. We will not be responding to Part Ten of your request, by virtue of our response to Part Nine.

I further advise that Ministers of the Crown are not involved in the day-to-day operations of government departments or agencies. I encourage you to direct further questions relating to the operations of Southern Response to them instead.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Ngā mihi nui,



Raj Nahna
Chief of Staff