

Hon Dr David Clark

MP for Dunedin

Minister of Commerce and Consumer Affairs
Minister for the Digital Economy and Communications
Minister for State Owned Enterprises
Minister of Statistics
Minister Responsible for the Earthquake Commission



12 DEC 2022

Canterbury Victim
fyi-request-21235-2a8dd0c7@requests.fyi.org.nz

Dear Canterbury Victim

Thank you for your Official Information Act (OIA) request, received on 26 November 2022. You requested the following information:

1. *When did the Minister first become aware of the document that exists at <https://bit.ly/3K29MME>? 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 the please deny this request based on Section 18(e) and 18(g).

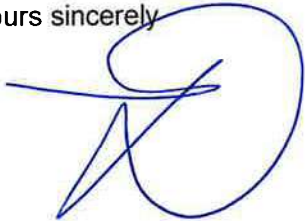
10. *If request 9 is not denied then please provide the date at which the Minister was first informed that there was belief that those engaged with the Minister in the "full and frank" conversations may be committing crimes. If there does not exist a document with this information then an approximate 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.

I have no knowledge of the information you have provided above, therefore your request is refused under section 18(e) of the OIA – *the document alleged to contain the information requested does not exist or cannot be found*, and section 18(g) of the OIA – *that the information requested is not held by the Treasury or Minister and there are no grounds for believing that the information is held by, or more closely connected to the functions of, another department, Minister or organisation.*

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

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'D' and 'C' intertwined.

Hon Dr David Clark
Minister Responsible for the Earthquake Commission