



27 May 2024

Canterbury Victim

DSOIA110

fyi-request-26604-deed1559@requests.fyi.org.nz

Official information request for information related to your letter and my 1 May 2024 response.

I refer to your official information request dated 2 May 2024 for:

- Please provide me with all documents and information related to the list of 3 circumstances being a fixed list that did not expand over time.*
- Please provide all documents and information on the steps taken to ascertain if the Government would be willing to pay to settle the claim, and the conclusions of that process.*
- Please provide me with all documents and information related to any assessment of the facts that I presented to you about the prima facie criminal fraud committed by Southern Response, in general but also including if this would be likely to have significant policy implications for Southern Response.*
- Please provide all documents and information related to the decision that the above option was not offered as being available to settle my claim.*
- Please provide all documents and information on how you have understood the delay in settling the claim being related to the repair methodology instead of the criminal fraud that they have committed against me.*
- Please provide all documents and information on the decision to not address 12 pages of my letter in your response.*
- Please provide all documents and information related to the position of Minister for Regulation involving the upholding of the rule of law.*
- Please provide all documents and information related to efforts undertaken to understand the implications of rule of law in relation to the 12 pages of my letter that were not addressed in your response.*
- Please provide all documents and information related to the decision to address my letter as the shareholder Minister for Southern Response, instead of as Associate Finance Minister, or Minister for Regulations, when the majority of my letter was about financial crimes by Government employees, and the covering up of those crimes by other Government employees.*

10. Please provide all documents and information related to your communications with Southern Response regarding me, my claim, or my letter to which you responded.
11. Please provide all documents and information related to David Clark's communications with Southern Response regarding their crimes, to which he initially said did not exist, then said he lied about it not existing because the information contained within the communications would impede his ability to have frank conversations with Southern Response about the crimes they are committing.
12. Please provide all documents and information related to Grant Robertson's communications with Southern Response regarding their crimes.
13. Please provide me with the details for the Minister responsible for the Financial Service Providers (Registration and Dispute Resolution) Act 2008.
14. Please provide me with the details for the Minister responsible for the Ombudsman Act 1975.
15. Please provide me with the details for the Minister for Justice.
16. Please provide me with the details for any other shareholder Ministers for Southern Response.
17. Please provide me with the details for the Minister responsible for the Earthquake Commission.
18. Please provide me with the details for the Minister responsible for Radio New Zealand.
19. Please provide me with the details for the Minister responsible for the New Zealand Police.

Part of the information you have requested is enclosed. However, I have decided to refuse your request for information that is or will soon be publicly available, under section 18(d) of the Official Information Act. These requests are listed in Table 1.

I have refused part of your request on the grounds that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found, under section 18(e) of the Official Information Act, and information requested is not held by the Minister, under section 18(g) of the Official Information Act. These requests are listed in Table 2.

I have also transferred part of your request to other departments or Ministers where I believe they are more closely connected with the information being requested. You were informed of these transfers by my office on 16 May 2024. These requests are listed in Table 3.

Table 1

| Item refused under 18(d) | Where the information may be found |
|---|---|
| 13. Please provide me with the details for the Minister responsible for the Financial Service Providers (Registration and Dispute Resolution) Act 2008. | https://www.dpmc.govt.nz/cabinet/porfolios/commerce-and-consumer-affairs |
| 15. Please provide me with the details for the Minister for Justice. | https://www.dpmc.govt.nz/cabinet/porfolios/justice |
| 18. Please provide me with the details for the Minister responsible for Radio New Zealand. | https://www.dpmc.govt.nz/cabinet/porfolios/media-and-communications |
| 19. Please provide me with the details for the Minister responsible for the New Zealand Police. | https://www.dpmc.govt.nz/our-business-units/cabinet-office/ministers-and-their-portfolios/ministerial-list |

Table 2

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|--|
| Items refused under 18(e) and 18(g) |
| 2. Please provide all documents and information on the steps taken to ascertain if the Government would be willing to pay to settle the claim, and the conclusions of that process. |
| 3. Please provide me with all documents and information related to any assessment of the facts that I presented to you about the prima facie criminal fraud committed by Southern Response, in general but also including if this would be likely to have significant policy implications for Southern Response. |
| 4. Please provide all documents and information related to the decision that the above option was not offered as being available to settle my claim. |
| 6. Please provide all documents and information on the decision to not address 12 pages of my letter in your response. |
| 8. Please provide all documents and information related to efforts undertaken to understand the implications of rule of law in relation to the 12 pages of my letter that were not addressed in your response. |

Table 3

| Item transferred | Transferred to |
|---|---------------------------------------|
| 1. Please provide me with all documents and information related to the list of 3 circumstances being a fixed list that did not expand over time. | Southern Response Earthquake Services |
| 7. Please provide all documents and information related to the position of Minister for Regulation involving the upholding of the rule of law. | Minister for Regulation |
| 11. Please provide all documents and information related to David Clark's communications with Southern Response regarding their crimes, to which he initially said did not exist, then said he lied about it not existing because the information contained within the communications would impede his ability to have frank conversations with Southern Response about the crimes they are committing. | Southern Response Earthquake Services |
| 12. Please provide all documents and information related to Grant Robertson's communications with Southern Response regarding their crimes. | Southern Response Earthquake Services |

Context related to the information you have requested.

The following section of your letter was identified as the request that you were seeking assistance with, and this is what my response of 1 May focussed on.

"I would really like to have my claim settled as a matter of urgency. However, I do not have the funds to take the New Zealand government to court. As such I do not currently have a lawyer involved in this matter and have no intention of taking Southern Response, or anyone else to court.

Southern Response has in the past paid legal fees on behalf of claimants in the settlement of claims. I am requesting that the same affordance be made with me and my claim.

I would like to receive acknowledgement that the Government will agree to pay all legal fees for a lawyer of my choice to represent me in communicating with Government lawyers to agree a fair settlement of my claim.

With the settlement of the claim, I could then move on from all outstanding matters I have in relation to my claim to be handled by those responsible in the way and on the timeline that is appropriate for those involved."

My response suggested two organisations that may be able to help you finalise your insurance settlement with Southern Response. As there are existing avenues for you to pursue, no consideration was given to your request for Government funding for legal assistance.

The remainder of your letter included allegations that government employees and organisations have committed crimes. If you consider this to be the case, you should continue to engage with the Police. It is not the role of Ministers to investigate anyone, and under section 16(2) of the Policing Act 2008, the Commissioner of Police must act independently of Ministers when investigating or prosecuting offences.

Response to remaining requests for information

5. Please provide all documents and information on how you have understood the delay in settling the claim being related to the repair methodology instead of the criminal fraud that they have committed against me.

My office spoke with Southern Response to enquire what triggered the initial dispute. The response was that there was a disagreement on how the foundation of your property should be repaired. I have made no assessment of whether there has been fraud relating to your claim. Refer to **Appendix 1**.

9. Please provide all documents and information related to the decision to address my letter as the shareholder Minister for Southern Response, instead of as Associate Finance Minister, or Minister for Regulations, when the majority of my letter was about financial crimes by Government employees, and the covering up of those crimes by other Government employees.

The focus identified in the letter (as explained in the context section) was most closely aligned with my role as a shareholding Minister of Southern Response. This shareholding role forms part of my Associate Minister of Finance portfolio.

10. Please provide all documents and information related to your communications with Southern Response regarding me, my claim, or my letter to which you responded.

My office communicated with Southern Response and provided me with a summary of those conversations. This is enclosed as **Appendix 1**.

14. Please provide me with the details for the Minister responsible for the Ombudsman Act 1975.

While the Ministry of Justice administers the Ombudsmen Act 1975, the Ombudsman is an officer of Parliament. Therefore, the Ombudsman is appointed by the Governor-General on the recommendation of the House of Representatives, not on the recommendation of a Minister.

As an Officer of Parliament, the Office of the Ombudsman is overseen by the Speaker of the House, Rt Hon Gerry Brownlee, and the Officers of Parliament Committee. There is more information about this committee and the oversight of officers of Parliament at: www.parliament.nz/en/pb/sc/scl/officers-of-parliament/.

16. Please provide me with the details for any other shareholder Ministers for Southern Response.

The second shareholding Minister for Southern Response is Hon Nicola Willis.

17. Please provide me with the details for the Minister responsible for the Earthquake Commission.

The Minister of Finance is the Minister named in the Earthquake Commission Act (1993) (EQC Act). The day-to-day responsibilities of the Minister of Finance under the EQC Act have been delegated to me as part of my Associate Minister of Finance portfolio. More information can be found at: <https://www.dpmc.govt.nz/our-business-units/cabinet-office/ministers-and-their-portfolios/delegations>.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Hon David Seymour

Associate Minister of Finance




Enclosed

Appendix 1 - Additional information for DSCOR1585

OFFICE OF HON DAVID SEYMOUR

| | |
|-------------------|--|
| Portfolio: | Earthquake Commission – Southern Response |
| Title: | Letter from Jason Ellison |
| Date: | 1 May 2024 |

Priority

| | | |
|--|--|--|
|  High |  Moderate |  Routine |
|--|--|--|

Overview

- Jason Ellison has written a 14-page letter to the PM requesting that Southern Response (SRES) or the Government pay his legal fees to settle an insurance claims dispute with Southern Response.
- The letter touches on issues he has had with IFSO, ICNZ, the Ombudsman, multiple Ministers, Christchurch Council, and the Police. He also includes a link to an 82-page document related to his experiences and accusations.
- I have spoken with SRES to gain some background to the case. The summary is:
 - Jason does not agree with the proposed repair method for damage to the foundations of his property.
 - SRES will reconsider the repair methodology if the homeowner provides a relevant engineering report.
 - Jason has not provided any relevant documentation to support his view that the repair method is not appropriate.
 - As the claim process has stalled, the settlement amount for the proposed repair method has been paid into an interest-bearing trust account.
 - SRES has previously apologised to Jason for not providing requested documents timeously. There was also a goodwill payment made relating to this incident.
- There are services available to homeowners with a disputed Canterbury earthquake insurance claim:
 - NZCRS provides case management as well as legal and engineering advice;
 - CEIT (Canterbury Earthquake Insurance Tribunal) is an alternative to the court process. Access to this service is free. If legal representation is retained this would be at the cost of the homeowner.

Action Sought

- Sign the letter or provide suggested changes.

Private Secretary (LG) / Officials Comment

- Your response is likely to be added to the 82-page online document authored by Jason.