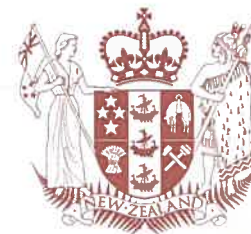


# Hon Iain Lees-Galloway



MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC

**27 MAR 2019**

MOIA 26

Anthony Jordan  
[fyi-request-9692-2bef9efd@requests.fyi.org.nz](mailto:fyi-request-9692-2bef9efd@requests.fyi.org.nz)

Dear Anthony Jordan

I refer to your official information request received by my office on 27 February 2019, in which you request the following information under the Official Information Act 1982 (the Act):

*...information that fulfills your prerogative to exclude yourself from Operational Matters:*

- 1/ As Minister for Accident Compensation*
- 2/As Minister for Immigration.*

Section 32 of the State Sector Act 1988 sets out the responsibilities of chief executives of government departments. Among other obligations, it provides that the chief executive of a government department is responsible for the performance of the functions and duties and the exercise of the powers of the chief executive or of the department.

The relationship between ministers and the public service is explained more fully in paragraphs 3.6 to 3.34 of the Cabinet Manual, which you can find here: <https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/3-ministers-crown-and-2>.

As paragraph 3.7 states, Ministers are responsible for determining and promoting policy, and for answering questions in Parliament on both policy and operational matters, but are not generally involved in their departments' day-to-day operations.

In addition, the Accident Compensation Corporation (ACC) is a Crown Entity. Section 25 of the Crown Entities Act 2004 provides that all decisions relating to the operation of a statutory entity must be made by, or under the authority of, the board (in this case of ACC).

Finally, I note that the Immigration Act 2009 confers decision-making powers on immigration officers – this includes the power to decide whether an individual meets the criteria set out in Immigration Instructions to be granted a visa. The Immigration Act also gives certain powers to the chief executive of the Ministry of Business, Innovation and Employment. Likewise, the Accident Compensation Act 2001 provides that decisions as to whether a claimant meets the criteria for cover under that Act are made by ACC. I am unable to intervene in decisions that Parliament has given to another person to make.

Yours sincerely

Hon Iain Lees-Galloway  
Minister of Immigration  
Minister for ACC