



13 June 2023

Tēnā koe

On 15 May 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Please advise, under the OIA:*
  - *whether unrepresented claimants who have received an offer from the Ministry of Social Development's Historic Claims Team are required to seek independent legal advice before signing a settlement agreement*
  - *If not, please provide us with the advice that the Ministry gives to these unrepresented claimants.*

The Ministry does not require claimants to seek independent legal advice before signing a settlement offer, as this is an individual choice made by the claimant. The Ministry does, however, advise claimants of their option to seek legal advice and encourages them to do so.

I have provided an excerpt of the settlement offer letter that the Ministry provides to unrepresented claimants for your reference:

*"Before signing the agreement, we encourage you to seek your own legal advice to ensure you understand the effect of signing the document. The Ministry will contribute \$400 towards an initial consultation with a lawyer, who can send their invoice to us at the email address below. If your lawyer requires additional time to provide you with advice, they are welcome to contact us to discuss."*

Please note that the Ministry will consider approving additional funding if a claimant's lawyer requires further time than what the \$400 contribution will cover.

In addition to the settlement letter, Historic Claims staff members will usually verbally encourage unrepresented claimants to seek independent legal advice prior to signing a settlement agreement. These conversations take place at the time the offer is made.

Where a claimant chooses not to seek independent legal advice, the Ministry will not provide further advice to the claimant. It would be inappropriate for the Ministry to provide legal advice to a claimant.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui



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