



4 JUL 2016

Dear

On 26 May 2016 you emailed the Ministry requesting, under the Official Information Act 1982, information and statistics regarding the fast track historic claims process.

You may be aware that since earlier correspondence with you regarding the Claims Resolution process, the Ministry's website now includes a quarterly data report on historic claims which will answer some of your questions. That report, as well as general information on the claims process can be found at <http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/cvf-historic-claims.html>. Data relating to historic claims is updated quarterly. The latest figures available are for the period up to the end of March 2016.

For the sake of clarity I will address your questions in turn.

- *How many MSD Fast Track offers were made in total?*
- *What dates were these offers made between?*

The fast track process was introduced in 2015 to assist the Ministry in bringing resolution of historic claims. It offered people a faster way of having their claim assessed and resolved, but they were also free to reject a fast track offer and to have their claim fully assessed through the normal historic claims process. Those claims received by 31 December 2014 were eligible for the fast track process and were assessed in two groups. The first group were those claims made by people who were not legally represented, while the second were those from people who are legally represented.

I can advise you that 420 fast track offers were made by the Ministry between 19 May 2015 and 31 March 2016. The significant majority of these were made in May-June 2015.

#### **Legally unrepresented claimants**

- *How many fast track offers were made to legally unrepresented claimants?*
- *What dates were these offers made between?*

I have addressed this question above.

- *How many of these offers were rejected by legally unrepresented claimants?*

I can advise that as at 31 March 2016, 360 claimants accepted the offer. The Ministry will keep the remaining offers open until such time the Ministry is able to continue its work and provide a full assessment on the outstanding offers.

- *What was the lowest amount offered to a legally unrepresented claimant?*
- *What was the highest amount offered to a legally unrepresented claimant?*

I can advise you that the lowest amount offered to a claimant was \$5,000 and the highest was \$50,000.

- *What was the total of the compensation paid to legally unrepresented claimants through the MSD Fast Track?*

As at 31 March 2016, the Ministry has paid \$6,548,000 to legally unrepresented claimants through the fast track process.

### **Legally Represented Claimants**

- *How many fast track offers were made to legally represented claimants?*
- *What dates were these offers made between?*
- *How many of these offers were rejected by legally represented claimants?*
- *What was the lowest amount offered to a legally represented claimant?*
- *What was the highest amount offered to a legally represented claimant?*
- *What was the total of the compensation paid to legally represented claimants through the MSD Fast Track Scheme?*

The Ministry had expected that by November 2015 it would have been ready to make offers of settlement to eligible legally represented claimants whose claims were received by 31 December 2014. This process was put on hold because in October 2015 many of those claimants lodged an application for judicial review, alleging that the Ministry had acted unlawfully in the way it had decided to develop and implement the fast track process. The review was heard by the High Court on 9 May 2016 and the High Court dismissed the claim. The High Court found that the fast track process did not breach any of the applicants' rights, and is not contrary to natural justice. The Court also found that the Ministry had not err in law in the development and implementation of the process.

- *Were the names of alleged perpetrators recorded and correlated to/among other complaints made by those who were offered Fast Track settlements?*
- *Were the names of the institutions and years of alleged abuse recorded and correlated to/among other complaints made by those who were offered Fast Track Settlements?*

The same summary details of the claim (including institutions and alleged perpetrators where they have been named) have been recorded for those claims made offers through the fast track process, as for all claims.

- *Were any names of alleged perpetrators given to Police to look into complaints as a result of complaints made by claimants who accepted Fast Track settlement offers?*

The Ministry has an obligation to protect children and vulnerable members of the community from criminal behaviour. As part of fulfilling this obligation and in supporting the Government's desire to hold criminal offenders accountable for their actions, the Ministry reports allegations of abuse to the New Zealand Police. For those reasons, claims which include allegations of physical or sexual abuse, that information will be referred to the New Zealand Police National Headquarters. The Police will make a decision about whether an investigation of any alleged criminal offending is warranted. Claimants may also make their own complaint to the Police if they wish to and the Ministry encourages and supports people to do so. The Ministry began this in 2016 and is progressively providing alleged perpetrator information over time, including that from claims assessed under the fast track process.

- *Have any criminal charges been laid against alleged perpetrators as a result of complaints made by those who were offered Fast Track Settlements?*

Information on the number of charges laid as a result of complaints made by people who have had settlement offers under the fast track process will be held by the Police. That data is not routinely reported back to the Ministry.

I hope you find this information helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
WELLINGTON 6143

Yours sincerely



Carolyn Risk  
**Deputy Chief Executive, MSD Organisational Transformation**