



30 August 2022

Tēnā koe

11 July 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *How many payment offers have been made for each of the Ministry of Social Development Historic Claims Payment Categories per year, since 2019? Please break down this information into offers made (in each category, per year) to individuals represented by Cooper Legal, and to all other claimants. For clarification, I am interested in understanding how accurate the percentage labels are in the Historic Claims Business Process and Guidance Document, and whether that is impacted by representation from this firm.*

On 8 August 2022, the Ministry emailed you to advise you that more time was required for necessary consultations to make a decision on the request. As such, the due date of the request was extended to 31 August 2022, in accordance with section 15(1) and 15A of the Act.

As noted in the Ministry's email of 15 July 2022, when the Historic Claims payment categories were being developed, categories were arrived at by grouping earlier claims together based on the severity of the allegations. The percentages reflect payments of that value made over time and were included to provide a general sense about a likely spread. The percentages are not based on any budgetary constraint and are not considered when assessing an appropriate payment as a means of moderating payments or ensuring the same spread. Each claim (no matter whether direct or represented by a lawyer) receives individual consideration against the payment categories. The focus is on placing claims appropriately within a payment category which then supports consistency of settlement payments for similar claims.

Please see the enclosed **Tables One, Two and Three** in the **Appendix**, which set out the number of payment offers made to Cooper Legal claimants, 'Other'

claimants and all claimants from 1 January 2019 to 30 June 2022, broken down into offers made in each of the Historic Claims payment categories per year.

We have also included percentages which we have calculated to assist you in understanding what proportion of offers made to each claimant cohort fall within each payment category. Percentages have been rounded (either up or down) to the nearest whole number.

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

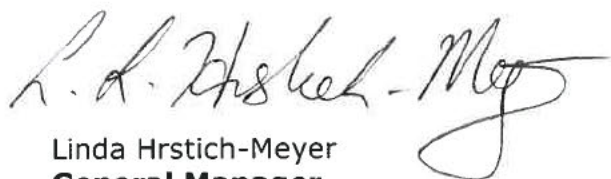
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

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.

If you are not satisfied with this response in relation to payment offers made for each of the Historic Claims payment categories, 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 or 0800 802 602.

Ngā mihi nui



Linda Hrstich-Meyer
General Manager
Historic Claims

Appendix

Table One: Number of payment offers made to Cooper Legal claimants from 1 January 2019 to 30 June 2022, broken down by Payment Category and year.

Payment Category	2019	2020	2021	2022	Grand Total
Cat 1 (\$1K - \$5K)		1	1	1	3 (1% of CL claims)
Cat 2 (\$6K - \$15K)	3	30	16	15	64 (29% of CL claims)
Cat 3 (\$16K - \$25K)	8	32	18	58	116 (53% of CL claims)
Cat 4 (\$26K - \$35K)	1	11	6	12	30 (14% of CL claims)
Cat 5 (\$36K - \$45K)		3	1		4 (2% of CL claims)
Cat 6 (\$46K - \$55K)				1	1 (1% of CL claims)
Grand Total	12	77	42	87	218

Table Two: Number of payment offers made to 'Other' claimants from 1 January 2019 to 30 June 2022, broken down by Payment Category and year.

Payment Category	2019	2020	2021	2022	Grand Total
Cat 1 (\$1K - \$5K)	6	7	2		15 (4% of 'Other' claims)
Cat 2 (\$6K - \$15K)	27	79	40	24	170 (40% of 'Other' claims)
Cat 3 (\$16K - \$25K)	34	70	34	34	172 (40% of 'Other' claims)
Cat 4 (\$26K - \$35K)	12	10	12	12	46 (11% of 'Other' claims)
Cat 5 (\$36K - \$45K)	5	4	7	2	18 (4% of 'Other' claims)
Cat 6 (\$46K - \$55K)		2			2 (1% of 'Other' claims)
Grand Total	84	172	95	72	423

Table Three: Total number of payment offers made from 1 January 2019 to 30 June 2022, broken down by Payment Category and year.

Payment Category	2019	2020	2021	2022	Grand Total
Cat 1 (\$1K - \$5K)	6	8	3	1	18 (3% of all claims)
Cat 2 (\$6K - \$15K)	30	109	56	39	234 (36% of all claims)
Cat 3 (\$16K - \$25K)	42	102	52	92	288 (45% of all claims)
Cat 4 (\$26K - \$35K)	13	21	18	24	76 (12% of all claims)
Cat 5 (\$36K - \$45K)	5	7	8	2	22 (3% of all claims)
Cat 6 (\$46K - \$55K)		2		1	3 (1% of all claims)
Grand Total	96	249	137	159	641

Notes for Tables One, Two and Three:

- These tables include operational data pulled on 27 July 2022. There may be variation over time as new information is added and records are updated.
- The 'Other' claimants category includes non-legally represented claimants and claimants represented by counsel other than Cooper Legal.
- As you requested the number of offers made per payment category, only base offer amounts made in line with the payment categories have been included in the data. Claimants to whom an additional payment for inappropriate detention or BORA was offered have had this top up amount removed from their base offer in the data above.
- Other payment offers made outside of the payment categories framework have been excluded from the data. This includes bespoke offers which include individual discretionary payments approved by the Historic Claims General Manager (for example claims on a trial-track) or payments that were calculated under previous claims processes.
- Nil payment offers have not been included in the data.