

17 April 2026

John Armstrong  
Via email: [fyi-request-34235-6cfc2700@requests.fyi.org.nz](mailto:fyi-request-34235-6cfc2700@requests.fyi.org.nz)

Tēnā koe, John Armstrong

**Request for information: Legal costs - CIV-2024-404-845 – Whittome v Director-General of Health**

Thank you for your request dated 25 March 2026 under the Official Information Act 1982 (OIA). You requested:

*I request the following information under the Official Information Act 1982:*

*1. Total Legal Costs to Date*

*The total legal costs incurred by Pharmac in relation to proceedings: CIV-2024-404-845 – Whittome v Director-General of Health: common bundle This should include, but not be limited to:*

- External counsel fees and details of legal agency/agencies used.*
- Internal Pharmac time/costings*
- Disbursements (including expert reports, court filing fees, document management, and preparation of the common bundle)*

*2. Breakdown of Costs*

*A breakdown of the above costs, to the extent held, including:*

- Costs attributable to preparation of the common bundle*
- Pharmac vs solicitor time*
- Any third-party/vendor costs*

*3. Budgeting / Estimates*

*Any internal budgets, estimates, or cost projections prepared for this proceeding.*

*4. Funding Source*

*Confirmation of the appropriation or funding source used to meet these legal costs.*

*5. Ongoing / Forecast Costs*

*Any current estimates of anticipated future legal costs for this proceeding.*

Please find our response below to your request for information:

**1. Total Legal Costs to Date**

**Request:** The total legal costs incurred by Pharmac in relation to proceedings CIV-2024-404-845 – Whittome v Director-General of Health: common bundle This should include, but not be limited to:

- External counsel fees and details of legal agency/agencies used.
- Internal Pharmac time/costings
- Disbursements (including expert reports, court filing fees, document management, and preparation of the common bundle)

**Response:** Pharmac's external counsel in *Whittome v Director-General of Health* (CIV-2024-404-845) is Bell Gully. To date, Bell Gully has invoiced Pharmac **\$104,166.50** (plus GST) in respect of the proceedings. This covers the period February 2025 to March 2026 invoice. In addition, **\$196.83** of disbursements have been charged to Pharmac. Pharmac's in-house lawyers do not time-record or charge for their services. Therefore, this part of the request is declined under section 18(e) of the OIA, as the information requested does not exist.

## **2. Breakdown of Costs**

**Request:** A breakdown of the above costs, to the extent held, including:

- Costs attributable to preparation of the common bundle
- Pharmac vs solicitor time
- Any third-party/vendor costs

**Response:** Pharmac does not have a specific breakdown of the above costs, except for billing narration, which is subject to professional legal privilege as well as litigation privilege, and declined under section 9(2)(h) of the OIA.

The common bundle was prepared by the first respondent after being directed by the Court to do so. As a result, Pharmac did not incur costs preparing the common bundle. Pharmac was, however, directed by the Court to liaise with the parties on the content of the common bundle, and its counsel did so on Pharmac's behalf.

## **3. Budgeting / Estimates**

**Request:** Any internal budgets, estimates, or cost projections prepared for this proceeding.

**Response:** As Pharmac is a respondent and not the initiator of this proceeding, no budgets, estimates, or cost projections have been prepared for the proceeding.

## **4. Funding Source**

**Request:** Confirmation of the appropriation or funding source used to meet these legal costs.

**Response:** The legal costs of defending this proceeding are funded through Pharmac's operational budget for litigation and Pharmac's legal risk fund.

## **5. Ongoing / Forecast Costs**

**Request:** Any current estimates of anticipated future legal costs for this proceeding.

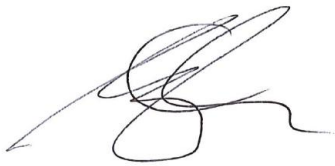
**Response:** As Pharmac is a respondent and not the initiator of this proceeding, and given the protracted course of this proceeding, there is no current estimate of the future legal costs. This part of your request is declined under section 18(e) of the OIA.

In making our decision, we have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

We trust that this information answers your queries. Please note, you have the right to make a complaint to the Ombudsman about our response to your OIA, under section 28(3) of the OIA. Details of [how to make a complaint](#) are on the Ombudsman's website.

To make information more freely available, we publish selected OIA responses (excluding personal details) on our website. Please get in touch with us if you have any questions about this.

Nāku noa, nā,



Cushla Managh,  
Acting Manager Public Affairs and Government Services