



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

Bowen State Building, Bowen Street, Wellington 6011, PO Box 1556, Wellington 6140 • Telephone: 0-4 916 3300 • Facsimile: 0-4-918 0099

29 APR 2013

Ms Ceri Jenkins
fyi-request-761-f2350eb3@requests.fyi.org.nz

Dear Ms Jenkins

Thank you for your email of 19 February 2013, requesting, under the Official Information Act 1982, the following information:

"I would like to know how much the msd v gordon holmes case has cost the msd in total."

The Ministry of Social Development is committed to delivering services that support all New Zealanders. A robust and effective review and appeals system is a vital part of the social security system we administer. In the course of administering income support there are occasions when a client disagrees with a decision which has been made about their entitlement or the actions of Ministry staff.

The Legal Services group within the Ministry is responsible for providing expert legal advisory and advocacy services to all areas of the Ministry. This includes the Minister, Chief Executive, the Executive Management Team, Senior Managers and other staff on all matters relating to legal risk, legal compliance, and legislative and litigation management.

Legal Services solicitors manage litigation involving the Ministry before the Court of Appeal, High Court, District Court, Social Security Appeal Authority and other Tribunals. In responding to those claims, the Ministry is bound by Cabinet rules to instruct Crown Law to act on its behalf.

The escalation of the Holmes' case from the Office of the Privacy Commissioner to further proceedings held at the Human Rights Review Tribunal, and later the High Court, required Crown Law to conduct proceedings.

The internal cost of Mr Gordon Holmes' legal proceedings is disaggregated across the Ministry. It is not possible to ascertain the total cost of Mr Holmes case to the Ministry. The compilation of this information would require substantial manual collation and require staff to be removed from their duties. In doing so, the greater public interest of effective government would not be served. I must therefore refuse your request under section 18(e) of the Official Information Act. This section dictates that if information simply does not exist, or the agency is unable to find the document after a reasonable effort has been made to locate it, a request for this information may be refused.

To date the total costs paid for the proceedings conducted by Crown Law is \$67,263, exclusive of GST. However, this is not the full and final cost of proceedings. The Court judgment was received on 8 April 2013; it awarded \$2000 in damages to be paid to Mr Holmes, arrangements for this payment are underway. The Ministry is currently finalising the remaining payment to Crown Law.

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

A handwritten signature in black ink, appearing to read 'B. Booth', enclosed within a hand-drawn oval.

Brendan Booth
Chief Legal Advisor