



13 May 2025

Tēnā koe

Official Information Act request

Thank you for your email of 21 March 2025, requesting information about historic claims.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out separately below.

1. In relation to historic claims generally, please provide the following information:

a. The current number of historic claims registered with the Ministry, divided into direct claimants, Cooper Legal clients, and claimants with other legal representatives.

The following table provides the information you have requested as at 31 March 2025:

Direct	Cooper Legal	Other Legal
2258	1257	44

b. The current number of registered claims being considered under the full individualised assessment pathway and the current number being considered under the RPF assessment pathway;

The following table provides the information you have requested as at 31 March 2025:

Individualised Claim Assessment	Rapid Payment
189	315

Table notes:

- Claimants or third parties have indicated the claimant's preferred assessment type
- We can only consider one assessment type at a time per claim
- There is a small number of reviews included in the individualised claim assessment count
- There are a number of claims included in the count that are currently on hold due to us not being able to contact the claimant or because the claimant requested.

c. For the period 1 January 2018 to 31 December 2024, a chart or charts and/or table/s displaying the following information on a yearly basis, divided into Cooper Legal clients and other claimants:

i. Total claims registered;

The following table provides the information you have requested:

Claims Registered		
	Cooper Legal	Other
2018	668	278
2019	174	261
2020	146	306
2021	177	327
2022	182	336
2023	181	545
2024	244	1252

- Only confirmed eligible clients are included in the table above.

ii. Total claims settled, divided into ICA and RPF settlements;

The following tables provide the information you have requested as at 31 March 2025:

Cooper Legal settled claims		
	ICA	RPF
2018		
2019	3	
2020	25	
2021	37	
2022	122	3
2023	75	163
2024	52	299

Other settled claims		
	ICA	RPF
2018		
2019	63	
2020	161	
2021	95	
2022	189	6
2023	67	431
2024	33	585

Table notes:

- Implementation of the current individualised claim assessment was March 2019
- On 27 November 2019, the Historic Claims Application was implemented, and the Ministry migrated recent relevant operational data that was needed to support ongoing work. The data from some more historical claims may not have been fully migrated into the database.
- There is a small number of reviews included in the individualised claim assessment count.

- Please note that the complexity and length of the claims requiring assessment impact upon the number of claims our staff are able to complete.

iii. Average 'age' of settled claims (from registration to settlement, or similar)

The following table provides the information you have requested as at 31 March 2025:

Average 'age' of settled claims (years)		
	Cooper Legal	Other*
2018	8.0	2.7
2019	8.6	4.0
2020	7.3	3.9
2021	5.8	3.8
2022	6.2	4.8
2023	6.0	4.4
2024	5.3	3.2

Background information on the data provided in the table above

Approximately 2% of Other settled claims had legal representation.

The following parameters have been used to calculate the average 'age' of settled claims:

- Start is the date the claimant registered their claim;
- Finish is the date Historic Claims closed the claim; and
- Claimants must have accepted the offer made and settlement process completed before the claims can be closed.

Represented individualised claims assessments are generally more complex and can take longer to process than non-represented in part due to more allegations being made (including those identified by a claimant's representative from a review of the person's care files), as well as considering legal issues identified by the claimant's representative.

It is common for represented claimants to have more allegations that need to be assessed than non-represented claimants.

89% of represented claimants have accepted a rapid payment offer, but in some cases, this is after choosing to receive an individualised claim assessment first.

When a claimant chooses to receive both types of assessments, this can increase the timeframe to resolve their claim.

Due to the nature of rapid payment assessments, the Ministry can process these significantly faster than individualised claims assessments.

Many non-represented claimants accept a rapid payment as their first and only offer, which means the Ministry can assess and resolve a higher number of non-represented claimants.

The Ministry does not prioritise between represented and non-represented claims, but as noted above timeframes can take longer for represented claims.

2. *In relation to the 2024-2025 settlements for the Ministry's undue delay in providing personal care records, please advise:*

a. *The total number of persons offered settlements for this issue, divided into direct claimants, Cooper Legal clients, and claimants with other legal representatives.*

The following table provides the information you have requested:

Direct	Cooper Legal
221	239

b. *The total cost of settlements paid to claimants for this issue, including offers made that have been offered and are yet to be finalised, not including legal fees.*

The total costs paid to claimants for this issue, including offers that are yet to be finalised, is \$4,761,500.00.

c. *The total cost paid for legal fees in relation to this issue, divided into Cooper Legal clients and claimants with other legal representatives.*

Cooper Legal is the only legal representative that was paid legal fees. The total amount paid to Cooper Legal was \$80,764.88.

3. *In relation to the 2024-25 court document redaction issue and review process (H v Attorney-General), please advise:*

a. *The total cost to the Crown of this issue, including litigation costs and costs of additional resources/staffing; and*

The cost of additional staffing was \$437,975.26. This amount does not include current Ministry staff who may have supported the work, such as managers, trainers, legal and policy staff.

As you may be aware, the Ministry has partially transferred this part of your request to Crown Law. The Ministry does not hold the total litigation costs to Crown Law. You can expect a response from Crown Law directly if you have not done so already.

For completeness, I am providing you the total litigation cost for the Ministry which was \$46,633.68 (this includes costs associated with developing the joint agency approach response in response to the High Court decision).

b. *The number of clients represented by Cooper Legal who received copies of additional records from their care records as a result of MSD's review process.*

There was a total of 1,031 Cooper Legal clients who received additional copies of their care records which contained previously unreleased court documents.

Please note the specific and distinct figures provided for each of requests two and three above. The figures provided for question two pertains to settlements made for undue delay; while the figures provided for question three is in relation to the 2024-25 court document redaction issue and review process.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 my decision on your request, 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

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Anna Graham
General Manager
Ministerial and Executive Services