



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

17 OCT 2016

Dear

On 12 September 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *The total cost of defending the prosecution which WorkSafe NZ launched against The Ministry of Social development in relation to the shooting at the MSD Ashburton office on 1 September 2014.*

On 20 September 2016, you refined your request to the total costs to date of defending the prosecution by WorkSafe New Zealand (WorkSafe) against the Ministry of Social Development in relation to the shooting at the Ministry Work and Income office in Ashburton on 1 September 2014.

On 1 July 2016, the Ministry pled guilty to one charge in the prosecution by WorkSafe, following the tragedy in Ashburton. The Ministry has absorbed the painful lessons of Ashburton. It was unnecessary to draw out the legal proceedings, and spend time, money and the trauma of putting Ministry staff through another draining and emotional court process.

WorkSafe indicated that there were some practicable steps the Ministry needed to take to ensure a safe working environment for all staff. The guilty plea recognised that to some degree. The Ministry had been steadily implementing many of these steps before the Ashburton tragedy and the pace of implementation increased following it. However, the Ministry disputed the aspect of WorkSafe's prosecution relating to its interpretation of what a safe office layout should be. The Ministry did not accept that organisations working with the public should do that from behind barriers.

For the Ministry, and for the public service as a whole, interacting with clients in an atmosphere of relative openness is a key to successfully working with them. The Ministry was of the view that pleading guilty to this aspect would potentially have far reaching consequences for all entities that deal with the public. As such the Ministry took the view, that this aspect of WorkSafe's charge against the Ministry be fully examined by the Courts.

This involved multiple court appearances, a large volume of information being produced, along with multiple expert witnesses and the retention of senior counsel to represent the Ministry in Court.

I can advise you that as at 20 September 2016, the total external costs incurred by the Ministry of Social Development in defending the WorkSafe prosecution over a period of eighteen months, covering the costs of two defence counsel, multiple expert witnesses and participation in an extensive disputed facts hearing, was \$448,498. Please note that this does not include internal costs which are not recorded against individual cases by the Ministry.

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 available to the wider public after ten working days. The Ministry will do this by publishing this letter on the Ministry of Social Development'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.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Nicholas Pole
Deputy Chief Executive, Organisational Solutions