

23 April 2026

Official information request regarding Whittome v Director-General of Health
Our Ref: OIA-2526165

1. I refer to your email to this office dated 25 March 2026 requesting the following information under the Official Information Act 1982 (the **Act**):

1. *Total Legal Costs to Date*

The total legal costs incurred by Crown Law 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 (if applicable)*
- *Internal Crown Law 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*
- *Counsel 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.

2. We have decided to grant your request in part for the total legal costs incurred up to 31 March 2026. The information requested in parts 1, 2, and 3 is contained in the table below.
3. On 1 April 2026 we sent a letter to you asking that you clarify your request and specifically what you meant by requesting a breakdown of costs, including “counsel vs solicitor” and “third-party/vendor costs” in part 2 of your request.
4. On 1 April 2026 you responded by email and said:
- By “counsel vs solicitor time”, I am seeking a breakdown between:*
- Internal Crown Law legal staff time; and Any external providers (including barristers or contracted legal counsel), if applicable*
- By “third-party/vendor costs”, I am referring to any non-Crown Law costs incurred in relation to the proceeding, including but not limited to:*
- Expert witnesses or reports*
- Document management*
- Court filing or administrative costs*
- Any external consultants or service providers*
5. Table of total legal costs from 31 October 2024 to 31 March 2026:

Legal costs to 31 March 2026		
Total cost	\$73,992.90 excl. Goods and Services Tax (GST)	
Internal Crown Law time/cost	Ministry of Health	The Treasury New Zealand
	246.49 hours (\$62,503.30)	53.85 hours (\$11,489.60)
Disbursements	\$127.70 (filing fees)	
Breakdown of costs		
Costs attributable to preparation of the common bundle	11.26 hours (\$2,936.80)	
Counsel vs solicitor time	Internal Crown Law counsel time is as above. There is no external counsel time.	
Third-party/vendor costs	None	
Budgeting/estimates		
Crown Law fee estimate:	Ministry of Health	The Treasury New Zealand
	\$50,000.00–\$60,000.00 excl. GST and disbursements	\$10,000.00–\$12,000.00 excl. GST and disbursements.

6. Please note, this proceeding was initially brought against the Minister of Health, Minister of Finance and Minister for COVID-19 Response. The Ministry of Health Manatū Hauora and The Treasury New Zealand Te Tai Ōhanga jointly instructed Crown Law. On 16 April 2025, the Minister of Finance and Minister for COVID-19 Response were removed as respondents and the Director-General of Health was substituted for the Minister of Health. Accordingly, the cost to The Treasury New Zealand ceased around this time and the Ministry of Health has continued to instruct Crown Law on this matter.

Refusal of part 5

7. Crown Law does not hold any current estimate of anticipated future legal costs for this proceeding. Therefore, part 5 of your request is refused under s 18(e) of the Act on the grounds the information requested does not exist.

Partial transfer

8. Part 4 of your request for information on the appropriation or funding source used to meet the legal cost of these proceedings is not information held by Crown Law. Accordingly, as we advised you on 10 April 2026, we transferred this part of your request to the Ministry of Health and The Treasury New Zealand under s 14(b)(i) of the Act.

Proactive release

9. Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law's website if we decide proactive release of this information is or may be in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.

Right to complain to the Ombudsman

10. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.
11. If you wish to discuss this decision with us, please feel free to contact OIA@crownlaw.govt.nz.

Nāku noa, nā

Crown Law



Kyleen Naik-Leong
Crown Counsel