

23 March 2017

Mr Glenn McAllister

By email: [fyi-request-5462-e6adfa1@requests.fyi.org.nz](mailto:fyi-request-5462-e6adfa1@requests.fyi.org.nz)

Tēnā koe Mr McAllister,

**RESPONSE TO OFFICIAL INFORMATION ACT REQUEST TO  
GOVERNMENT DEPARTMENTS – CHIEF LEGAL COUNSEL SALARIES**  
**Our Ref: SOL115/2480**

This letter is in response to your request initially made to the Ministry of Social Development (MSD) for the salaries of the chief legal counsel of Government departments.

Your request to MSD noted:

*“I would also like to know the base salaries of all other Chief (Legal) Counsel of Government Departments. I realise that you will not be able to provide this information. Please refer my enquiry to the appropriate contact, or provide me with the appropriate contact so that I can communicate with them directly.”*

MSD transferred your request to the public service departments (as per Schedule 1 of the State Sector Act 1988) listed in **Table 1** below. In order to provide a convenient summary of the information the relevant departments agreed to co-ordinate a centralised response to your request. On this basis the departments in **Table 1** have authorised Crown Law to respond on their behalf. We hope you find this useful.

The response to your request is as follows:

1. There are a variety of legal roles in the various departments. Your request has been interpreted as asking for the salary of the equivalent position in other departments to the Ministry of Social Development’s chief legal counsel (Chief Legal Advisor) and/or the senior lawyer with accountability for providing corporate legal support services to the department.
2. The departments in **Table 2**, which have chief legal counsel, refuse your request for the base salary of each chief legal counsel in those departments on the grounds contained in s 9(2)(a) of the Official Information Act 1982 (the OIA) relating to the protection of the privacy of natural persons. The departments in making their decision to decline your request for the specific base salary of chief legal counsel considered whether there are public interest considerations which would outweigh the reasons for withholding the information and warrant the release of such information.

In each case the relevant departments did not consider the public interest outweighs the need to protect the privacy of the individual staff member and considers the public interest will be met by providing the salary range for each position.

3. In order to meet the public interest the departments in **Table 2** have provided the salary range for the position of chief legal counsel for each of those departments.
4. The departments in **Table 3** do not have a chief legal counsel position (as defined above).

You will note there is a wide range of salary levels for the various positions. The reasons for such variances include:

- Differences in the size and scale of the department and the relevant legal team/function
- Differences in the scope of the role
- Some chief legal counsel positions have significant additional accountabilities in addition to the legal function
- As a result of the above differences chief legal counsel positions are also at different levels of seniority within the departments.

Under section 28(3) of the OIA, you have the right to make a complaint to an Ombudsman asking for an investigation and review of the decision to refuse your request.

If you wish to discuss any aspect of your request, including this decision, please feel free to contact me.

Yours faithfully



Philip Griffiths  
Director, Government Legal Network  
Crown Law Office

**Table 1 – Departments to which MSD transferred the response**

<b>Department</b>
1. Ministry of Business, Innovation and Employment
2. Department of Conservation
3. Department of Corrections
4. Crown Law Office
5. Ministry for Culture and Heritage
6. Ministry of Defence
7. Ministry of Education
8. Education Review Office
9. Ministry for the Environment
10. Ministry of Foreign Affairs and Trade
11. Government Communications Security Bureau
12. Ministry of Health

13. Inland Revenue Department
14. Department of Internal Affairs
15. Ministry of Justice
16. Land Information New Zealand
17. Ministry of Maori Development - Te Puni Kokiri
18. New Zealand Customs Service
19. Ministry for Pacific Peoples
20. Ministry for Primary Industries
21. Department of the Prime Minister and Cabinet
22. Serious Fraud Office
23. State Services Commission
24. Statistics New Zealand
25. Ministry of Transport
26. The Treasury
27. Ministry for Women

**Table 2 – Departments with chief legal counsel and salary ranges for those positions**

<b>Department</b>	<b>Salary band for CLA</b>
1. Ministry of Business, Innovation and Employment	\$202,809 to \$304,213
2. Department of Conservation	\$133,333 to \$191,667
3. Department of Corrections	\$175,140 to \$262,710
4. Ministry for Culture and Heritage	\$98,319 to \$133,019.
5. Ministry of Education	\$152,828 to \$229,243
6. Ministry for the Environment	\$164,109 to \$220,677
7. Ministry of Foreign Affairs and Trade	\$145,862 to \$197,342
8. Government Communications Security Bureau	\$172,649 to \$258,974
9. Ministry of Health	\$156,342 to \$234,513.
10. Inland Revenue Department	\$161,597 to \$242,395
11. Department of Internal Affairs	\$146,539 to \$198,258
12. Ministry of Justice	\$224,144 to \$263,698.
13. Land Information New Zealand	\$135,262 to \$185,986
14. Ministry of Maori Development - Te Puni Kokiri *	\$138,330 to \$207,508
15. New Zealand Customs Service	\$166,329 to \$225,033
16. Ministry for Primary Industries	\$179,391 to \$269,087
17. Department of the Prime Minister and Cabinet	\$137,934 to \$206,902
18. Serious Fraud Office	\$190,000 to \$200,000
19. Ministry of Social Development	\$161,289 to \$241,934
20. State Services Commission	\$214,185 to \$289,779
21. Statistics New Zealand *	\$119,200 to \$161,200
22. Ministry of Transport	\$132,000 to \$198,000
23. The Treasury	\$172,461 to \$233,329

\* These departments have responded already but are included in this table for the sake of completeness.



**Table 3 – Departments with no chief legal counsel**

1. Crown Law Office (The Solicitor-General's salary is publicly available as Chief Executive of Crown Law)
2. Ministry for Women
3. Ministry for Pacific Peoples
4. Education Review Office
5. Ministry of Defence (not transferred from MSD)