



1 February 2019

Aruth John Smith

By email: fyi-request-9256-738e9f64@requests.fyi.org.nz

Tēnā koe Mr Smith

Request for comparative employee salary information
Our Ref: OIA353/1

1. I refer to your request for information under the Official Information Act 1982 dated 13 December 2018 in which you requested the following:

Could you please provide:

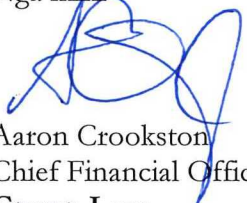
The average salary per hour time-recorded of Crown Law employees in a table which also shows the average salary per hour time-recorded of other legal departments or teams in the public sector the employees of which also record? For instance if the average Crown Law employee earned 1000/week and worked 60 hours per week the answer would be \$16.6666/ hour. If the average pay of a legal team in another public sector (which also time records) was 2000/week and the average employee of that team worked 60 hours per week the answer would be \$33.33/ hour. In a separate column could this please also be broken down on a PQE basis.

2. Your request seeks information on the average salaries of lawyers employed by Crown Law and other public sector agencies per hour time-recorded. Crown Law does not hold the information you have requested. However, we have examined the information we do hold and discussed your request with other public service agencies that employ lawyers and record their time, to see whether that information could be provided.
3. Our consideration of the information we do hold and the discussions we have had with those agencies have led us to conclude that we cannot provide an accurate summary of the information you have requested, or a meaningful comparison with other legal departments or teams in the public sector, without substantial collation and research, and possibly not even then.
4. In the first place, in order to answer your request, we would need to accurately measure the hours and salaries of all Crown Law employees over an extended period. That is because workloads and staffing levels vary depending on the time of year. Also, not all lawyers work a full year, due to, for example, secondment, leave without pay, part-time employment or because they join or leave the office part way through the year. Typically there are more junior than senior lawyers joining or leaving Crown Law part way through a year, meaning that any sample that excludes lawyers who work less than a year will be unrepresentative and misleading. Moreover, time recording practice varies, and not all time is recorded, particularly if it is non-chargeable management or administrative time.
5. These issues are common to the other agencies with which we discussed your request. In addition, the recording of lawyers' time amongst other agencies is

undertaken for a variety of reasons and recording practice varies to the point where we have concluded no accurate comparison to Crown Law practice is possible, or at least possible without substantial collation and research. For example, not all the agencies we contacted record all legal time worked. Other agencies only time record on certain legal files. We understand significant portions of time spent by lawyers in other agencies on management, meetings, planning, and/or on departmental general business is not recorded, meaning that the time they record in comparison to this Office will be under-represented.

6. Other agencies do not have mandatory time recording, and in some certain lawyers and legal managers are or may be excluded from time recording. There are other variables too. For example, not all agencies treat secondments in the same way.
7. We reiterate that the information you have sought does not exist and that for the reasons mentioned creating that information would take substantial collation and research. In fact, even substantial collation and research may not succeed in producing the requested information because of the different time recording practices amongst agencies.
8. We are therefore refusing your request for this information for the reason the information requested does not exist (s 18(e) OIA). In addition we are refusing your request for this information because we consider that the information requested cannot be made available without substantial collation or research (s 18(f) OIA). In coming to this conclusion we have considered (as s 18A of the OIA requires) whether fixing a charge under s 15 or extending the time limit under s 15A of the OIA would enable the request to be granted.
9. We have also considered whether consulting with you would assist you to make the request in a form that would remove the reason for the refusal (as s 18B of the OIA requires).
10. However, in light of the difficulties associated with meeting the request we have concluded that fixing a charge, extending the time frame and or consultation with you would not assist us to make the requested information available.
11. Our consideration of this request and contacts with other agencies have also led us to conclude that the information you have requested is not held by another department or Minister of the Crown or organisation and we are therefore refusing your request for this information under s 18(g) of the OIA.
12. You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to access services from the Office of the Ombudsman (including information about how to make a complaint) is available at www.ombudsman.parliament.nz or via freephone 0800 802 602.

Ngā mihi



Aaron Crookston
Chief Financial Officer
Crown Law